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HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

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STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 25 - 39

THURSDAY, MAY 14, 1964

COLUMBIA RIVER TREATY AND PROTOCOL

WITNESSES:

Mr. David Cass-Beggs, General Manager, Saskatchewan Power Corporation; Mr. J. W. MacNeill, Executive Director, South Saskatchewan River Development Commission; Mr. Barry Strayer, Associate Professor, College of Law, University of Saskatchewan.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Brewin,	Forest,	Macdonald,
Byrne,	Gelber,	MacEwan,
Cadieux (<i>Terrebonne</i>),	Groos,	Martineau,
Cameron (<i>Nanaimo-</i>	Haidasz,	Nielsen,
<i>Cowichan-The Islands</i>),	Herridge,	Patterson,
Casselman (Mrs.),	Kindt,	Pugh,
Chatterton,	Klein,	Regan, ¹
Davis,	Konantz,	Ryan,
Deachman,	Langlois,	Stewart,
Dinsdale,	Laprise,	Turner,
Fairweather,	Leboe,	Willoughby—35.
Fleming (<i>Okanagan-</i>		
<i>Revelstoke</i>),		

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

¹Mr. Regan replaced Mr. Cashin at the afternoon sitting, May 14, 1964.



1088768

ORDER OF REFERENCE

THURSDAY, May 14, 1964.

Ordered,—That the name of Mr. Regan be substituted for that of Mr. Cashin on the Standing Committee on External Affairs.

Attest.

LEON-J. RAYMOND,
The Clerk of the House,

MINUTES OF PROCEEDINGS

THURSDAY, May 14, 1964.

(43)

The Standing Committee on External Affairs met at 10.00 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Messrs. Brewin, Byrne, Cameron (*Nanaimo-Cowichan-The Islands*), Davis, Deachman, Dinsdale, Gelber, Groos, Haidasz, Herridge, Klein, Macdonald, MacEwan, Matheson, Nesbitt, Patterson, Turner, Willoughby (18).

In attendance: Mr. David Cass-Beggs, General Manager, Saskatchewan Power Corporation; Mr. J. W. MacNeill, Executive Director, South Saskatchewan River Development Commission; Mr. Barry Strayer, Associate Professor, College of Law, University of Saskatchewan.

The Chairman reported that correspondence has been received from A. C. Dobinsky, Winnipeg, Manitoba; Mr. J. D. McDonald, Rossland, B.C.

The Committee resumed consideration of the Columbia River Treaty and Protocol.

The Chairman introduced the witnesses and read an extract from a letter from the Hon. W. S. Lloyd, Premier of Saskatchewan, outlining their experience and background.

The witnesses summarized the brief of the Government of the Province of Saskatchewan. Mr. Cass-Beggs dealt with the introduction; Mr. Strayer with the legal rights of diversion; Mr. MacNeill with water demand and supply in the Prairie region; and Mr. Cass-Beggs concluded with a summary of power as the economic basis for development, referring to a map in his presentation.

Mr. Strayer was questioned.

The committee agreed that tables, maps and charts referred to by the witnesses be included in the Proceedings (*See Appendix Q-1 to Q-10*)

During the meeting, Mr. Brewin took the Chair, at the request of the Chairman.

At 12.35 p.m. the committee adjourned until 3.30 p.m. this day, on motion of Mr. Byrne.

AFTERNOON SITTING

(44)

The committee reconvened at 3.40 p.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Messrs. Brewin, Byrne, Cameron (*Nanaimo-Cowichan-The Islands*), Davis, Deachman, Dinsdale, Groos, Haidasz, Herridge, Klein, Laprise, Macdonald, MacEwan, Matheson, Patterson, Regan, Stewart, Turner, Willoughby (19).

In attendance: The same as at the morning sitting.

The Chairman reported correspondence received. (*See Evidence.*)

Mr. Strayer and Mr. Cass-Beggs were questioned.

Because of a division in the House, the committee adjourned at 5.45 p.m. until 8.00 p.m. this day.

EVENING SITTING

(45)

The committee reconvened at 8.15 p.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Brewin, Byrne, Cameron (*Nanaimo-Cowichan-The Islands*), Davis, Deachman, Dinsdale, Groos, Haidasz, Herridge, Klein, Matheson, Patterson, Regan, Stewart, Turner—(15).

In attendance: The same as at the morning and afternoon sittings.

The Chairman reported correspondence received. (*See Evidence.*)

The committee resumed questioning of Mr. Cass-Beggs, Mr. MacNeill and Mr. Strayer.

The questioning being concluded, the Chairman thanked the witnesses for appearing.

At 10.30 p.m. the committee adjourned until Friday, May 15, 1964, at 9.00 a.m.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 14, 1964.

The CHAIRMAN: Gentlemen, I see a quorum.

I beg to report that since our last meeting we received correspondence from A. C. Dobinsky of Winnipeg, Manitoba, and J. D. McDonald of Rossland, British Columbia.

Today we have three witnesses, Mr. David Cass-Beggs, Mr. J. W. MacNeill and Mr. Barry Strayer. If you would permit me, I would like to introduce these gentlemen as follows: I am reading from a letter from the office of the premier, the Hon. W. S. Lloyd, dated May 8, 1964, wherein these gentlemen are described in these terms:

Mr. David Cass-Beggs will be known to many members of your committee. Before coming to Saskatchewan he was a faculty member of universities in Canada and the United Kingdom. He is a past president of the Canadian Electrical Association and he is currently president of the Canadian Gas Association. As general manager of the Saskatchewan Power Corporation he has been responsible for guiding the planning and development of Saskatchewan's energy resources, including coal, natural gas and hydro. As an engineer, he has provided leadership in the promotion of a national grid for the long distance transmission of power. He has had a long time interest in the question of augmenting prairie water supplies for consumptive and hydro use. He has authored a number of papers on these and other subjects.

Mr. Cass-Beggs is sitting to my right. Then at the far end of the table we have Mr. J. W. MacNeill. Again I am reading:

Mr. J. W. MacNeill is the executive director of the South Saskatchewan River Development Commission which has the difficult and complex task of guiding, co-ordinating and approving all of the benefit phases of the South Saskatchewan project. As an engineer and economist he has had a long time interest in finding ways and means to augment surface water supplies, particularly in the water-short sub-basins of the South Saskatchewan which might be supplied from the South Saskatchewan reservoir. He has also provided leadership in improving the administration of water resources in Saskatchewan and has authored a number of papers on these and other subjects.

Then, in the middle we have Mr. Barry Strayer, who is described in these terms:

Mr. Barry Strayer is an associate professor of the College of Law, University of Saskatchewan. He holds a bachelor of civil law from Oxford where his specialty was international law. Subsequently he was a Ford Foundation Fellow at Harvard and he is currently preparing his doctorate thesis for Harvard in the field of constitutional law. He is a member of the Saskatchewan bar and prior to joining the university faculty three years ago, was a crown solicitor for the department of the attorney general, a position he held for four years. He is the author of several papers for professional journals.

Gentlemen, I introduce these three witnesses today, and I have asked Mr. Cass-Beggs to give you, in our customary way, a summary of the submissions of his group.

Mr. Cass-Beggs.

Mr. DAVID CASS-BEGGS (*General Manager, Saskatchewan Power Corporation*): Mr. Chairman, if it meets with your approval, after a brief introduction on my part, I would then ask Mr. Strayer to summarize the portion of the brief dealing with legal matters, which would be approximately pages 7 to 21 of our brief. Then I would ask Mr. MacNeill to summarize the portion dealing with water supply, which would cover approximately pages 20 to 40, and deal also with a forecast of demands which is shown as Table 5. Then I would handle the remaining more technical matters myself. Would that be agreeable?

The CHAIRMAN: Whichever way you feel is most convenient.

Mr. CASS-BEGGS: Mr. Chairman, the government of Saskatchewan is concerned about the Columbia river treaty, protocol and related documents only in so far as these affect Canada's future right and ability to divert water from the Columbia basin to the prairies. It is not proposed to comment on any other aspect of the treaty. Diversion from the Columbia basin to the prairies does not assume any particular scheme of development within British Columbia; diversion by one project or another is compatible with any of the alternatives suggested. The question of diversion, therefore, can be and should be considered on its own merits; it in no way implies criticism of the governments of Canada or British Columbia in respect of the selection of the projects included in the treaty.

The submission which we will be presenting attempts to develop the following points:

1. The Saskatchewan River System is the major and only significant source of surface water for the settled portion of the Prairie Region.

The South Saskatchewan river is of particular importance. The second is,

2. Indications are that demands for water for all purposes in the prairie region are much larger than has hitherto been appreciated and they are increasing rapidly.
3. It is therefore a matter of only a comparatively short time before the Saskatchewan River System will not be able to satisfy all of the demands on it. The South Saskatchewan Basin will experience the earliest and greatest need for additional water.

Then, fourthly:

4. Studies of a preliminary nature have identified several possible sources of water for the Saskatchewan river basin. Now, neither the feasibility, nor the costs, nor the benefits of these alternatives have been evaluated with any precision. Moreover, it is not known whether water from these sources can or, if necessary, would be made available to augment supplies in the Saskatchewan portion of the Saskatchewan river basin.
5. Preliminary studies indicate that the Columbia river represents the only major direct source of additional water for the South Saskatchewan basin.
6. It is evident that no significant diversion to the Saskatchewan basin would be economically feasible without the full exploitation of the power potentialities associated with it, as a multi-purpose project.
7. The Columbia river treaty and protocol, in its present form, seriously impairs Canada's right and probably nullifies Canada's future ability

to divert from the Columbia Basin to the Prairies. Ratification of the Treaty, therefore, should be subject to a further protocol to provide a clear and unchallengable right for Canada to divert a certain quantity of water to the Prairie Region for any purpose. Alternatively, this right could possibly be secured by making an exchange of notes, as contemplated by Article XIII (1), of the treaty and making this a condition of ratification.

The government of Saskatchewan believes that it is imperative to preserve Canada's right and ability to divert at least a reasonable volume of water for beneficial uses in the future from this and any international river. Should this right be impaired or abandoned now, it is very likely that it will be lost forever. What is done at the present time regarding the Columbia river treaty may irreversibly shape and adversely affect the destiny of Western Canada on both sides of the Rocky mountains.

The government of Saskatchewan has expressed grave misgivings about the effect of the Columbia river treaty on Canada's existing rights to divert water from the Columbia river basin. The committee will be aware of our representations to the government of Canada on this matter. The committee will also be aware of the views of the Secretary of State for External Affairs which have been expressed in some detail in correspondence with the premier of Saskatchewan.

The government of Saskatchewan has not been satisfied by the explanations offered. We have been assured by the Canadian government that the Columbia river treaty provides for the right to divert water out of the Columbia basin, if the purpose of the diversion is limited to consumptive uses. However, the best legal opinion which we have been able to obtain suggests very considerable doubt even about this.

Even if the treaty permits diversion out of the Columbia river basin, a right to divert solely for certain consumptive purposes is really no right at all, since it could not be exercised for a number of reasons. First, the economic feasibility of a Columbia-prairie diversion would unquestionably hinge on the multiple use of the water. Second, there is no conceivable diversion of water from the Columbia that could be confined to consumptive uses. The Canadian government has suggested that diversions for consumptive purposes would be permitted under the terms of the Columbia river treaty provided the non-consumptive uses were incidental to the consumptive purposes of the project. While this may be a common-sense view, it is not provided for in either the treaty, or the protocol which was drafted after the government of Saskatchewan's objections were known. In fact, there is a specific prohibition of the use of the diverted water for power generation which has not been revised in the protocol. Finally, the definition of consumptive use itself appear very restrictive. For example, it is not clear whether it would include water needed to maintain a sufficient flow to prevent river pollution or whether it would include the replacement of water used for consumptive purposes.

The government of Saskatchewan has sought unsuccessfully to obtain the opinion of the Canadian government on these questions. The Canadian government has also been asked to ascertain the views of the United States government.

If this has been done, the opinion of the United States government has not been communicated to us. We believe it is important that the views of the United States should be made known. Only specific concurrence on the part of the United States government could render the assurances of the Canadian government acceptable. If such concurrence has been secured, then it should be incorporated in a further protocol, or in an exchange of notes made prior to the ratification of the treaty.

I would like to ask Mr. Strayer to deal with the legal arguments which occur on pages 7 to approximately 21.

The CHAIRMAN: May I intervene at this point? I do not wish to restrict or in any way inhibit any of our witnesses; but for the convenience of the members of the committee, this material has been in their hands for some days and has been studied. Therefore, what really is expected at this time is a summary in order that members who already are familiar in detail with the submissions would be in a position, with as much time as possible, to question the witnesses with regard to the particulars.

Mr. CASS-BEGGS: I may say, Mr. Chairman, that I will not be reading closely the further portion with which I want to deal. This introduction, in itself, was fairly highly summarized.

Mr. BARRY STRAYER (*Associate Professor, College of Law, University of Saskatchewan*): Mr. Chairman and members of the committee, I should first like to deal with the present legal rights of diversion because a statement has been made in the presentation of the government of Canada that the rights under the Columbia river treaty would compare favourably with the rights presently existing. To see what rights presently exist it is necessary to look at the Boundary Waters Treaty of 1909. If the committee will bear with me I should like to read the whole of Article II to refresh your memory on the exact contents of that article. This is reprinted at page 7 of our submission. Article II of the 1909 treaty says:

Each of the high contracting parties reserves to itself or to the several state Governments on the one side and the dominion or provincial governments on the other as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs. . .

Mr. TURNER: Mr. Chairman, it may be that we will want to inquire further into the professional qualifications of this witness. I do not wish to do this now and thereby interrupt the presentation of the Saskatchewan government but I do not want my silence to be interpreted in a way that would take away my right to question him in respect of his professional qualifications at a later stage.

Mr. STRAYER: There are two points in this article; one is the right of diversion and the other is the right of compensation.

The right of diversion I think is beyond serious question and I think within Canada there is little dispute now that there is a right of diversion under Article II. I think the United States implicitly accepted this position when it agreed to the sharing of downstream benefits, but quite apart from that, the Secretary of State for External Affairs, in his testimony before this committee on April 9, I think, indicated that this is the position and the opinion of his department, that there is a right of diversion. There is some dispute over the question of whether there would have to be compensation paid where diversion is carried out under Article II of the 1909 treaty but with respect I think the overwhelming view is that there is no claim for compensation where a diversion is carried out under Article II. You will notice that Article II gives to the downstream party who is injured the same legal remedies as if such injury took place in the country where such diversion or interference occurs.

That particular reference to the claim means that a party injured in the state of Washington, for example, would have to show that he would have a right to claim under British Columbia law. Under British Columbia law, the Water Act gives water rights only to those persons who hold a licence under that Act and there is no provision for a person in the state of Washington to hold a licence under the British Columbia Water Act. While, as I say, there has been some dispute about this, from my understanding of the testimony given to this committee in 1955 by the departments of Justice and External Affairs, it appeared to be their view that there was no significant right to compensation provided under Article II.

There is some possibility we might have to resort to the general principles of international law if, for example, the 1909 treaty were terminated by action of the United States taken pursuant to the treaty. It is terminable on one year's notice.

Under the general principles of international law, which I think are expressed quite succinctly at page 10 of our brief there would be an apportioning which would have to be reasonable and equitable in the circumstances. I think we could make out a very good argument that at the moment or in the near future the sort of diversion which the Saskatchewan government is interested in would constitute a reasonable and equitable sharing of the waters of the Columbia river. It would not divert the Columbia river significantly and the benefits in Canada would be significant as indicated in our brief.

With this brief summary of the existing law I should like to deal then with the specific terms of the treaty. I suggest that the treaty would limit the rights of diversion in at least two respects. Firstly, it limits the right of diversion in respect of the purposes of diversion, or the use to which the water will be put. If I might again read a definition, in this case in the Columbia River Treaty, I should like to do so and refer to certain passages which are reprinted at page 11 of our brief in the interpretation section. Article I, paragraph 1, states:

- (1) In the treaty, the expression . . .
- (e) "consumptive use" means use of water for domestic, municipal, stock-water, irrigation, mining or industrial purposes but does not include use for the generation of hydro-electric power; . . ."

Article XIII, paragraph 1, states:

- (1) Except as provided in this article neither Canada nor the United States of America shall, without the consent of the other evidenced by an exchange of notes, divert for any use, other than a consumptive use, any water from its natural channel in a way that alters the flow of any water as it crosses the Canada-United States of America boundary within the Columbia river basin."

So the crucial term here is "consumptive use". It says that, without the consent of the United States, Canada cannot divert waters except for a consumptive use. I might say in passing, with respect, that the protocol seems to add nothing to what is said in the treaty on this point.

By the definition of consumptive use it says that consumptive use does not include use for the generation of hydroelectric power. While it has been stated by the Secretary of State for External Affairs and by the government of Canada in its presentation that the diversion for consumptive use would not be prohibited, and I refer to the presentation in our brief, merely because water while enroute produces hydroelectric power either incidentally or even as an integral part of the diversion scheme, while that is stated by the government of Canada, we find it very difficult to accept that proposition. If the

treaty said nothing about hydroelectric power this might be a conceivable interpretation. However, in fact it specifically excludes use for the generation of hydroelectric power.

In the presentation of the government of Canada, at page 134, it is also stated:

The essential question will be: what is the real and genuine purpose of the diversion? If it is a consumptive purpose, it is provided for.

With respect, it seems to me that that misstates the situation to some extent. It speaks of the real and genuine purpose of the diversion and speaks in terms of over-all objectives, but the treaty is much more specific than that and speaks in terms of specific use. It does not speak in terms of diversion for the over-all purpose of bringing water for irrigation to the prairies or water for municipal purposes. It speaks in terms of specific uses, and hydroelectric power is certainly a specific and definable use.

I submit with respect that it is difficult to apply the right of incidental use to hydroelectric power when the treaty specifically excludes it. As Mr. Cass-Beggs has already indicated, we have no reason to believe that the government of the United States accepts that interpretation. We have been given no concrete evidence in that regard. We suggest that this is an apparent and obvious uncertainty and the least we ought to have is some assurance from the United States that it will accept this interpretation.

We think there is another and more fundamental limitation in respect of diversion implied in the treaty, and that is, it is our view, that the treaty does not actually contemplate diversion out of the Columbia basin. It is the contention of the government of Canada, as I understand it, that diversion out of the basin for consumptive uses would be permissible. If one starts out with this assumption one runs into difficulty when reading the balance of Article XIII.

In the first place, the term "consumptive use" is one which, according to the literature on the subject, is generally associated with riparian uses. One judicial definition which I have been able to find in respect of this term, from the United States Supreme Court, certainly speaks of it in those terms. I think it is quite possible to interpret "consumptive use" as simply pertaining to those uses of owners and communities adjacent to the rivers. If one looks at these specific consumptive uses mentioned in the treaty one can read this in accordance with this interpretation, but quite apart from that and even more fundamental is the problem raised by the balance of Article XIII, because the balance of that article, particularly paragraphs (2), (3), (4) and (5), deals with specific diversions within the Columbia basin from the Kootenay to the Columbia; they limit quite specifically the amount of water which may be diverted and the time at which it may be diverted.

It is very difficult to understand why if, as Mr. Martin and the government of Canada have indicated, the treaty provides for unlimited diversion for consumptive uses, and that includes diversion out of the basin, it would provide specifically a limitation in respect of diversion from the Kootenay to the Columbia. One could make nonsense of the whole of Article XIII by carrying out the diversion from the Kootenay into the South Saskatchewan system, for example, of perhaps 5 million acre feet while Article XIII (2) limits the diversion to 1.5 million acre feet from the Kootenay into the Columbia. It is particularly difficult to understand, when presumably water diverted from the Kootenay into the Columbia might very likely in part or in whole proceed downstream into the United States through the Columbia whereas a diversion for consumptive purposes out of the basin into the South Saskatchewan would never reach the United States. Yet we are told that Article XIII permits

unlimited diversion out of the basin for consumptive uses while at the same time limiting very strictly in terms of amount and time the diversion from the Kootenay to the Columbia.

I think there is a further apparent ambiguity in this article, and it is an ambiguity which has not been cleared up, to our satisfaction at least, by the statements so far presented. Faced with that ambiguity one is entitled to interpret a treaty by looking at the background information. As the members of this committee will be aware, there is a different approach taken in interpreting treaties from that which is taken, for example, in interpreting statutes where the courts, in English and Canadian practice at least, are required to look within the four corners of the statute and cannot look, for example, at the debates of the House of Commons or the proceedings of committees to understand what the statute is about. In interpreting treaties it is well recognized by leading authorities that one can look at background information.

With respect, it seems to me that one of the most pertinent pieces of background information is the report of the negotiators of this treaty which was signed on September 28, 1960. This was signed by the negotiating team for Canada: Mr. Fulton, Mr. Robertson, Mr. Bassett and Mr. Ritchie. This submission of the negotiators purported to set out the principles upon which the negotiators felt the drafting of the treaty ought to proceed. I should like to read part of section 16 of this submission which is reprinted at page 16 of our brief. This part reads as follows:

16. (1) Subject to sub-paragraph (2), Canada and the United States to refrain during the terms of the Treaty from

- (a) diverting from the Columbia river basin any of the flow of the Columbia river above the point at which it crosses the boundary between Canada and the United States;
- (b) diverting from the Columbia river basin any of the flow of any tributary which has its confluence with the river in Canada;

It seems to me if these principles were incorporated in the treaty we would have no right of diversion out of the Columbia river or the Kootenay river or, in short, out of any river within the Columbia river basin. From the information which has been available to us we have been unable to ascertain that these principles were ever abandoned, and when Prime Minister Diefenbaker signed the treaty in Washington on January 17, 1961, he issued a press release which is reprinted in the white paper at page 82, and I should like to refer particularly to the statement appearing on page 83, which is also reproduced in *Hansard* for January 18, I think it is, 1960-61, at page 1200, this particular statement appears at page 1202. The Prime Minister said, referring to the report of September 28:

That progress report was accepted by the two governments in an exchange of notes on October 19 last.

Apparently on October 19 they accepted these principles.

Further on the Prime Minister states:

The treaty does not depart in any fundamental respect from the program that was recommended in the progress report of September 28, although a number of improvements have been made.

This might imply that something further had been added, but the balance of the statement says nothing whatsoever about diversions out of the Columbia river basin. There is specific reference made to diversions but they are all in connection with the Kootenay-Columbia diversion.

As I say, if one is interpreting the treaty one may refer to background information. Certainly the United States state department would not be hesitant about doing so. That department has prepared a 90 page memorandum basically in respect of the meaning of the 1909 treaty, and about two thirds of it involves the historical background and associated documents leading up to the signing of the treaty. I daresay that in any argument to any international tribunal that department would be one of the first to rely on this statement as being not only an agreement but a plain admission on the part of the government of Canada that there would be no diversion out of the Columbia river basin.

We have one further point in connection with the legal position which I should like to mention in passing and that is in respect of the possible limitations on diversions after the termination of the treaty. I am not going to deal with this in detail because I think it is possible to say that the termination of the treaty would be unlikely once it comes into effect, because the government of Canada and the government of British Columbia have agreed that the treaty would not be terminated without the concurrence of the province of British Columbia. This is stated in the British Columbia-Canada agreement which is reproduced in the white paper. Assume for the moment that you might have a situation in the year 2024 when this treaty might come to an end; let us concern ourselves with a hypothetical situation which might arise. I shall read Article XVII again.

Nothing in this treaty and no action taken or foregone pursuant to its provisions shall be deemed, after its termination or expiration, to have abrogated or modified any of the rights or obligations of Canada or the United States of America under then existing international law, with respect to the uses of the water resources of the Columbia river basin.

The balance of that article deals in the main with the application of the Boundary Waters Treaty in the event of termination of the Columbia river treaty.

It would appear that Canada would be precluded from commencing any diversion project prior to the termination of the treaty because in Article XVII, paragraph 5, which is reproduced in our presentation, the following is said.

If, prior to the termination of this treaty, Canada undertakes works usable for and relating to a diversion of water from the Columbia river basin, other than works authorized by or undertaken for the purpose of exercising a right under article XIII or any other provision of this treaty, paragraph (3) of this article shall cease to apply one year after delivery by either Canada or the United States of America to the other of written notice to that effect.

To the extent that this is understandable at all, in my view it means that if Canada were to commence the necessary works for diversion prior to 2024,—this hypothetical date of termination—then the United States would be able to exercise a right to require that the provisions of the 1909 treaty would not revive in 2024; that is to say, they would not revive on termination of the Columbia river treaty. In 2024 we would be faced with a situation in which our rights would be governed by general principles of international law.

Alternatively, let us say that no such diversion was attempted and that the United States did not exercise its right until 2024 when this Columbia river treaty is terminated, then the United States could terminate the application of the Boundary Waters Treaty of 1909 after one year pursuant to article XVII, paragraph (4).

In any event, we are faced in either 2024 or 2025 with the situation in which our rights are governed by the general principles of international law, and while the general principles of international law, are somewhat lacking

in specifics, they appear to be based on the principle of equitable apportionment. I think the state department of the United States has stated the position fairly in the main on the subject of what are these principles of international law. I think our chief point of dispute is where these principles should apply, not the principles themselves.

In their memorandum of 1958, the United States state department said that, among other things;

In determining what is an equitable apportionment one should take into account "the development . . . already taken place," "the extent of the dependence of each riparian upon the water in question," and the "Comparison of the economic and social gains accruing from the various possible uses of the waters in question, to each riparian and to the entire area dependant upon the waters in question."

We are told in article XVII (1) that after this treaty is over, the pre-treaty legal status will revive. Let us assume that the pre-treaty legal status means that in 2024 or 2025 the Boundary Waters Treaty is brought to an end and we have to decide what is an equitable apportionment of these waters. It is all very well to talk of reviving the treaty legal status but, as the legal members of the committee will appreciate, the application of the law depends to a large measure on the facts.

If we have a situation in which there has been extensive development on the American Columbia during the 60 years of the treaty and a situation in which Canada has not yet undertaken any diversions of the sort which we contemplate, then I suggest that in deciding what is an equitable apportionment it would be very difficult to argue that it is equitable at that point in time to take away water which has been committed to high-cost uses down-river and divert it for some future use in the prairie region. I suppose economists could be brought forward to show that the economic gain of diverting this much water to the prairies might be very small in comparison, say, to the economic gain in the northwestern United States of keeping the water, more particularly if the United States should carry out further diversions itself and employ the water for other uses.

Therefore I suggest that when one speaks of restoring the pre-treaty legal status—this in fact is the academic argument, not our argument—it would be academic to argue that everything would be the same in 2024 because nothing could be the same. During the period of the treaty, the United States would have carried out its developments, we would not have carried out this diversion, and we would have to argue that we have some strong equity on our side. That might be very difficult indeed to argue.

In conclusion, then, on the legal submission, Mr. Chairman, I would like to say it seems to me that the United States when it signed the 1909 treaty was putting into writing the so-called Harmon doctrine which it had insisted upon in its dealings with other countries on this continent. At the turn of the century the United States was primarily interested in rivers which flowed out of the United States, and when Mexico complained to the United States that irrigation projects in southern United States were drying up the Rio Grande, the United States in 1895 said, "We have no obligation whatsoever to provide Mexico with water; we can use the Rio Grande for any purpose for which we see fit because this is one of the incidents of sovereignty". This was the typical attitude of the United States at that time.

In the events leading up to the signing of the 1909 treaty there was a number of matters at issue with Canada, most of which involved rivers flowing out of the United States and into Canada; and the United States was still asserting this co-called Harmon doctrine which was based on the opinion of the United States attorney general.

Thus, Canada was faced with the fact that the United States insisted upon its complete sovereignty, and in these circumstances the 1909 treaty seemed a fair compromise in that while it recognized the Harmon doctrine it also recognized that Canadian citizens could sue in United States courts for diversions just as could citizens of the United States. Whatever rights a United States citizen would have, a Canadian citizen would have in the United States.

Events changed after 1909, and we come to the present when we are involved with the Columbia river; and this is one situation where the Harmon doctrine injures the United States, and injures it very seriously. At this point it seems to me the United States has avoided the disadvantages of the Harmon doctrine after enjoying its benefits all these years. It has avoided the disadvantages through the negotiation of this treaty. I think the very least that can be said is that there is an ambiguity here, a very serious one, which needs to be clarified. I think it ought to be clarified before the treaty is ratified.

In our recommendations on page 84 and page 85 you will note that we suggest certain measures be taken. Starting at page 84 we state:

In order to keep the option of a Columbia-prairie diversion open, the government of Saskatchewan recommends that ratification of the Columbia river treaty be made subject to a further protocol which would provide:

(a) that Canada may divert up to 6,000 c.f.s. or 5.0 million acre feet annually from the Columbia river for the beneficial use of the prairie region; and

(my colleagues will be elaborating on these figures later on)

(b) that the definition of "consumptive use" found in paragraph (e) of section (1) of article I of the treaty be modified so as not to preclude the multi-purpose use of water diverted to the prairies, including use for the generation of electric power, both in the process of diversion and at any point in the system at times when the diverted water is surplus to the consumptive demand.

Alternatively, we suggest it might be adequate for the governments of Canada and the United States, as a condition of ratification by Canada, to agree to an exchange of notes pursuant to Article XIII (1).

Article XIII (1) contemplates that Canada and the United States may consent to diversions, and if it is the view that this treaty must be ratified as it stands without alteration and without further protocol, then I suggest this measure could be taken under the treaty, pursuant to the treaty, as contemplated by the treaty in Article XIII (1), except it would be taken before the treaty is ratified when Canada might be in a somewhat better position to effect this exchange of notes.

The CHAIRMAN: Thank you, Mr. Strayer. Does that conclude the summary, Mr. Cass-Beggs?

Mr. CASS-BEGGS: That concludes Mr. Strayer's portion. Mr. MacNeill will talk about water resources and then I would like to revert to technical matters.

Mr. J. W. MACNEILL (*Executive Director, South Saskatchewan River Development Commission*): There are two chapters in the submission, chapters three and six, which deal with the question of water supply and demand in the prairie region, and I will try to summarize both as briefly as I can.

At page 22 we note that the Saskatchewan-Nelson basin is the major and only significant source of surface water in the prairie region, and because of the interprovincial nature of this basin any examination of the relationship

between supply and demand for water in Saskatchewan can only be attempted within the context of the whole prairie region. Actually, there is not very much information available on which to base any precise estimates of future demands or dependable supply. As we indicate, the information that is available points to the conclusion that demand for water in the prairie region will increase enormously over the next few decades, and it is only a matter of a comparatively short time before the Saskatchewan river system will not be able to satisfy all the demands on it.

In this chapter of the brief, chapter three, we have provided what is essentially a qualitative evaluation of the demand-supply picture. Later, in chapter six, we have attempted a quantitative assessment of this picture, and it is one that we feel is rather conservative.

On page 23 of our submission we point out that most of the factors which give rise to higher water use are increasing rapidly. This is true of population growth not only in the prairie region but, we feel, more significantly, throughout the world; it is true of irrigation development, industrial development, outdoor recreation, pollution abatement and power.

Quoting from the brief, we say that:

A water use survey of the United States conducted by the United States Department of Commerce has indicated that water use in the United States is currently increasing by 35 to 40 per cent each decade. In their book, "Water Facts for the Nations Future," Longbein and Hoyt, conclude that "unless the increasing rate of water consumption is slowed down by rising costs, annual water use will more than double within 25 years." The indications are that a similar although probably more acute situation prevails in the prairie region.

The major user of water in the prairie region is of course irrigation. In table 1 on page 24 we have summarized the Prairie Provinces Water Board allocations and reservations to December 31, 1962.

The CHAIRMAN: Is it agreeable to members of the committee that table 1 be inserted in the minutes?

Agreed. (*See Appendix*).

Mr. MACNEILL: The table shows that over 5 million acre feet of water have been allocated or reserved to date, largely for irrigation, and entirely from the South Saskatchewan basin.

As we point out at page 25, there are several reasons why the Water Board's allocations and reservations are not adequate as a measure of possible future requirements for all consumptive purposes. The first reason is that the allocations to existing and proposed irrigation projects may not be nearly large enough to satisfy actual requirements. In fact, in January, 1964, Alberta requested reconsideration of the Board's allocations to Alberta. Their request would result in a 51 per cent increase in the water allocation, from 2.2 to 3.3 million acre feet, but only a 2 per cent increase in irrigable acreage. I might point out, Mr. Chairman, that 3.3 million acre feet is over 80 per cent of the minimum year flow of the South Saskatchewan measured at Saskatoon.

The second reason is that no attempt has been made to determine all the lands in the prairie provinces that are suitable for irrigation. A figure of 2 million acres for which allocations and reservations have been made may prove to be very low. Actually, there is considerable evidence that this is the case.

We mention the growth of sprinkler systems. In Chapter six of this book, "Technology in American Water Development" by Ackerman and Lof, it is stated—and I quote from page 134—that:

In the decade from 1939 to 1949, when lightweight sprinkler systems became available, irrigated acreage in the 17 western states increased by 41 per cent, while that in the 28 eastern states increased by 283 per cent.

We also mention the remarks of E. A. Palmer speaking before the Water Board hearing last November. He said that in planning water use "we must consider the irrigable area in the South Saskatchewan basin as several million acres instead of two or three million acres."

Without proper studies it is very difficult to guess how much land might ultimately be irrigated. The state of Montana lies directly south of Alberta and Saskatchewan and is similar in many relevant respects, such as climate, soils, topography and so on. At present, approximately one-eighth of the cultivated acreage in Montana is irrigated. Applying this ratio to Alberta, Saskatchewan and Manitoba—which may or may not be entirely valid—one arrives at a figure of about 10 million acres. The rate at which this land is brought under irrigation will depend, of course, partly on economics and partly on future improvements in technology.

A third reason why the Water Board allocations and reservations are inadequate as a measure of future requirements is that only relatively small allocations have been made for non-irrigation uses, and for uses outside the South Saskatchewan basin. In other words, the allocations do not cover all the existing uses. Only a few allocations have been made for existing municipal and industrial uses—I believe only in Saskatoon, Regina and Moose Jaw. None has been made for this purpose in Alberta or Manitoba. These non-irrigation uses, both inside and outside the South Saskatchewan basin, will increase greatly in the future. We have been surprised at the recent rapid growth of industrial requirements in the Qu'Appelle basin in Saskatchewan. We mention the potash industry on page 27. To date, four companies have indicated their desire to use water drawn from the South Saskatchewan river for the solution mining of potash. One construction company has constructed a large pipeline for this purpose. Each plan will consume annually half as much water as was used in Regina in 1963, and none of it will return to the river; it is all consumptive.

This picture can change very rapidly. This report was completed last week. Since it was completed, we have had another inquiry from another company in another field, and their plant would process and require more water annually than two potash plants—more than is used by the City of Regina in a year.

We expect that pollution abatement will become one of the largest users of water in the future. Even at today's level of economic development, the maintenance of flows for sewage dilution is placing a heavy burden on certain rivers.

As we mention on page 28, the dilution of wastes by stream flows can be a consumptive use of water in both an economic and physical sense. This depends, of course, on the relationship between pollution abatement and other uses in the basin. The difficult problem is to estimate minimum flow requirements for sewage dilution in the future. We make a guestimate later in the brief, a guestimate which I now feel might be much too small. Our experience is that problems may arise at fairly high flows. In 1953-54, the North Saskatchewan was highly polluted with industrial wastes—and this during a period when the average flow was almost 2,000 cubic feet per second. This was in the winter and under ice.

In the Qu'Appelle basin, a recent study has suggested that in order to dilute wastes originating in Regina and Moose Jaw—following a very high level of treatment—winter flows in the Qu'Appelle river should be maintained at a minimum of 500 acre feet per day. This would pose no problem in the summer as it would be complementary with other uses. In the winter, however, it would constitute an incremental demand and, since the water would originate in the South Saskatchewan, it could mean an effective consumptive requirement of about 75,000 acre feet per annum.

If this is the situation at today's level of industrial development, there is every reason to assume that minimum flow requirements for sewage dilution will place a heavy burden on the Saskatchewan river system in the future.

In addition to these direct demands which fall mainly on the South Saskatchewan, there are a number of sub-basins within the Saskatchewan system that are seriously short of surface water, and must look to the South Saskatchewan as a source of additional water.

The Qu'Appelle basin is one of these and perhaps one of the most important, because it contains two main centres of population, Regina and Moose Jaw, and is the centre of a good deal of industrial development. Our studies indicate that only 10 per cent of the existing demand for surface water in the Qu'Appelle can be met by natural flows in a dry year. But for the fact of the South Saskatchewan project, this situation would get much worse since we estimate that demands in the basin will increase from 272,000 acre feet in 1956 to 574,000 by the year 2,000.

Another water-short basin is the Souris. Before the huge lignite coal reserves around Estevan can be fully developed for power and industrial purposes, ways must be found to augment water supplies in this basin. The Water Board currently is sponsoring a study of future requirements in the Qu'Appelle-Assiniboine to determine how much water Saskatchewan and Manitoba may require from the South Saskatchewan river.

So, the general picture, then, is one of increasing demands for all purposes and especially for such purposes as irrigation, industry and pollution abatement. These demands will arise both in the main Saskatchewan River basin and in major sub-basins, some of which are already seriously short of surface water. Finally, these demands will fall mainly on the south branch of the system.

Now, turning to the supply side of the equation, we find we are dealing with the most arid region in Canada. In respect of both precipitation and surface run-off, the prairie region is at a disadvantage. We note on page 32 that the estimated precipitation for the settled area of the prairie provinces has averaged about 16.6 inches compared to between 30 and 40 inches for other regions of Canada. The percentage of precipitation that materializes as run-off is also sharply lower, 17 per cent for the prairie provinces as compared to an average of 47 per cent for Canada as a whole and an estimated high of 78 per cent for British Columbia. The estimated run-off in the prairies is less than three inches or only one quarter of the average for Canada and about one eighth of the run-off for British Columbia. This is illustrated in Figure one on page 33 and in Table 2 on page 34.

In the brief we have noted that the run-off figure of 2.8 inches for the prairie provinces includes the headwaters of the Peace. This is an error. Actually, it does not include the main stem of the Peace since it was felt that almost all of this water originates outside of the prairie provinces. It does include the Smoky and Little Smoky rivers, which are tributaries of the Peace, and, of course, it includes the Athabaska. Actually, a better picture of the run-off available to the settled southerly portion of the Prairie Region is obtained by excluding the Peace and the Athabaska from the calculation. On this basis, the average run-off becomes 2.1 inches.

Also, to get a picture of the supply available to Saskatchewan and Alberta and this is important since the rivers which flow through the settled portion of the Region flow from east to west, one should exclude Manitoba from the calculation. Doing this, the average run-off is further reduced to 1.84 inches.

Now, turning to page 35—

The CHAIRMAN: Would it be useful if Table 2 on page 34 was included in the proceedings?

Agreed. (See Appendix)

Mr. MACNEILL: Could we also include Table 3 on page 36?

Agreed. (See Appendix)

Mr. MACNEILL: Table 3 shows that the average natural flow in the south branch is 7.8 million acre feet while that of the north branch is somewhat smaller at 6.3 million acre feet. The system, however, is subject to wide seasonal and annual fluctuations. The maximum annual flow on the south branch is 3.5 times the minimum. The average June flow on the south branch is 17 times the average February flow. The maximum flow on record is 275 times the minimum flow.

The real question, of course, is what is the dependable or firm supply of surface water available to the region. This depends on a number of factors, such as the amount of storage developed, how the storage is operated, upstream depletions for consumptive uses, upstream pollution and diversions out of the basin. Firm supply usually is defined as the maximum quantity of water that can be guaranteed during a critical dry period which is taken as the period of lowest natural flow on record for the stream. We have shown this figure in Table 4 on page 37, and we have also shown the average flow during the three lowest consecutive years of record. This latter figure, 5.1 million acre feet for the South Saskatchewan and 4.2 million acre feet for the North Saskatchewan, seems to be a more reasonable figure to employ in comparing supply and demand.

The CHAIRMAN: Is it agreed that this table also be included?

Agreed. (See Appendix.)

Mr. MACNEILL: In comparing these figures with the estimates of future demand, there are at least two factors that we should bear in mind. First, we are mainly concerned with the South Saskatchewan basin. Second, we should keep in mind that it is not feasible to divert all of the water out of the basin for consumptive requirements. A considerable flow is required to dilute wastes and abate pollution. If a pollution problem could develop in the North Saskatchewan in 1953-54, with an average winter flow of 1,960 cubic feet per second, it is safe to assume that flow requirements at future levels of development will exceed this by one third, at least in critical reaches of the river. That is, between 2,000 cubic feet per second and 3,000 cubic feet per second will not be available for diversion either from the South Saskatchewan or from the North Saskatchewan river for consumptive use.

This represents between one quarter and two fifths of the average flow of the South Saskatchewan and between two fifths and three fifths of the average three year critical flow in the south branch. In other words, we are assuming that we can utilize and divert for consumptive use between three fifths and three quarters of the average flow. This is probably much too high. In a report entitled "The Expansion of Irrigation in the West", which appears in the 1955 Year Book of Agriculture put out by the United States department of Agriculture, E. L. Greenshields states:

The bureau of reclamation estimated that water supplies in the west were sufficient to irrigate a total of 42 million crop acres.

He goes on:

It should be pointed out that these projections are based primarily on physical factors, principally on further conservation and storage of runoff. They consider that with present technical knowledge and facilities only about one third of the runoff could be put to use.

On this basis we should assume that only about 1.7 or 2.0 million acre feet from the south branch could be effectively utilized or diverted for consumptive use.

I would now like to turn to Table 5 on page 62 where we have attempted to quantify these demands compare them with available supply and thereby forecast future deficiencies in the South Saskatchewan basin. I think perhaps we might incorporate Table 5 which appears on page 62.

The CHAIRMAN: Is that agreeable?

Agreed. (*See Appendix.*)

Mr. MACNEILL: There are certain footnotes on page 63 which explain the table. In table 5 we have presented figures for an early, middle and late period. We have assumed that these periods would centre around 1980, 2000 and 2020, respectively. We feel that these dates are quite conservative and that the demands or deficiencies, particularly for the middle and late periods, may be reached much earlier.

Referring to the table, the second figure assumes that irrigation use will reach two million acre feet by 1980 and that the present allocations and reservations of water will be fully utilized by the turn of the century. The third figure assumes that increased water use per acre—a trend already evident—and increased irrigable acreage will jointly require an additional 2.5 million acre feet by 2000, and 10.0 million acre feet by 2020.

Adding to these figures the estimates shown for industrial and municipal use and diversions to sub-basins and subtracting 25 per cent for return flows above the South Saskatchewan dam, we have a net requirement of 2.7 million acre feet by 1980, 8.8 million acre feet by 2000 and 17.5 million acre feet by 2020.

Finally, comparing these figures with the three year critical flow less what I have suggested is a very low figure for pollution control—that is, comparing these figures with 3.1 million acre feet. We find that we more or less break even in 1980, we get a projected deficiency of about 6.0 million acre feet in 2000 and we get a projected deficiency of 14.5 million acre feet in 2020.

Now, Mr. Chairman, I would like to make two or three comments on these figures before I conclude because it has been suggested, I believe in testimony before this committee, that it is unlikely the prairie provinces ever will have to import water on the scale suggested. As a matter of fact, there is considerable evidence, as I mentioned earlier, that the projections shown on Table 5 are very conservative.

First of all, experience shows, I think, that demand forecasts of this kind are inherently conservative. This is because they are necessarily based on historical experience and existing technology, changes in which are difficult or impossible to forecast.

We have had some recent experience with forecasts of this kind in Saskatchewan. About four years ago we undertook a detailed study to determine future water requirements in the Qu'Appelle basin. We required this to determine the size of the outlet works to be installed in the Qu'Appelle dam. Among other things, we prepared an estimate of requirements for industrial use and we based the estimate quite properly on historic trends, population forecasts, and experience elsewhere. The results seemed to be reasonable—if

anything, high—because our concept of what was reasonable was also conditioned by past experience. Historically, industrial use in the Qu'Appelle basin had been very low.

In the past three years, however, the potash industry has come into the basin and completely upset our forecast. The industry that has come in to date will require more industrial water than we had forecast would be used by the year 2000. Of course, had we forecast this figure in 1960, no one would have believed us. Similarly, I expect that if any economist in 1900 had accurately forecast water use in 1950, he would have been laughed out of his profession.

Second, I would point out that the rate of growth of irrigation in Alberta is increasing and I expect the same will be true in Saskatchewan in a few years. According to historical information that we have collected, the rate of growth of irrigated acreage in Alberta has increased from about 2 per cent in the period 1933 to 1955, to about 5 per cent per year in the period 1955 to 1963.

Considering the factors which give rise to irrigation development, this trend should continue and accelerate—as it has done elsewhere.

Apart from higher demands and higher prices for food products, one of the things that would really accelerate this trend, in my view, is a breakthrough in the technology of water application—a relatively easy and inexpensive method of applying water to land. I think there is every reason to believe that this breakthrough will come, bringing millions of acres of land within economic reach of water provided, of course, that there is water.

Third, I would refer to recent trends in the United States.

In the report, "The Expansion of Irrigation in the West", which I referred to earlier, E. L. Greenshields discusses the rate of irrigation development in the 17 western states. He says, "Despite higher and higher costs of installing irrigation works and tighter limitations on the use of the available water, irrigation agriculture continues to expand. In the 10 years to 1950, 7 million acres were added to the irrigated land area of the 17 states. In each of the 5 years to 1950, an average of more than a million acres was brought under irrigation. A great deal of new irrigation has been done since 1950, but the annual rate of increase appears to have been only half the 1949-50 rate".

Experience in the western United States is interesting from another point of view. In the book, "Technology in American Water Development", Ackerman and Lof have included a table on page 76 showing population, annual water withdrawals and annual run-off in the western states. This table shows that in 1955 the average per capita withdrawal of water in the 17 western states was 3,348 gallons per day. I would guess that the comparative figure for Alberta is around 750 gallons per day.

Now it has been suggested, I think in testimony before this committee, that there is a necessary correlation between population and water use. I would dispute that that is true particularly in the case of semiarid agricultural regions. However, let us assume for the moment it is true, and assume further that the per capita water use in the prairie region someday reaches the level of the average for the 17 western states in 1955 that is, about 3,500 gallons per day. I would point out that this average is very low. The 1955 figure for the northern states adjacent to Alberta was much higher, it was 15,900 gallons per capita per day for Montana and 25,300 gallons per capita per day in Idaho.

However, if we assume a per capita use of 3,500 gallons per day and apply this to the 1960 population of the prairie provinces, which was 3.1 million, we would obtain a figure of about 14 million cubic feet. Applying the average to the Gordon Commission's forecast of the 1980 population of the prairie provinces, 4.1 million, we would obtain a figure of over 1 million acre feet.

Applying the average to a Saskatchewan Government forecast of population for the year 2000, 6.5 million, we would obtain a figure of over 30 million acre feet.

Within this context then, our forecast, that the entire prairie region will require only 17.5 million feet by the year 2020, seems if anything to be overly conservative.

Finally, Mr. Chairman, in assessing the reasonableness of the forecast of 17.5 million acre feet we might compare it with the present requirement of the state of Montana. Montana is adjacent to Alberta and Saskatchewan and northern Montana has similar climate, soils and topography. It is very sparsely settled; the population was only 600,000 in 1955. However, it was settled earlier and it has a longer history of irrigation. In 1955 this state withdrew 11 million acre feet of water mainly for irrigation. This is 65 per cent of the volume that we have forecast for the entire prairie region in the year 2020.

I think that is all I have to say at the moment, Mr. Chairman, in summarizing these two sections.

Mr. CASS-BEGGS: Mr. Chairman, I should like to display this map to assist in our summary. This map provides a little additional information and I think will assist our understanding of the more technical sections. Perhaps I can just present one or two figures which are quite easily kept in mind.

This map is designed rather crudely to illustrate the relationship between the Saskatchewan river and the Columbia river in terms of the volumes or flows of those rivers. This diagram is only to scale in its graphical presentation of the figures. The width of a given river is in proportion to its average annual flow. I think the scale on this particular map is one millimetre to one acre foot per annum.

That is, the South Saskatchewan and the North Saskatchewan are shown to be of a width roughly proportionate to their flow. The Columbia river again is shown in width proportionate to its flow.

Mr. DAVIS: That is not true of the Peace river and Athabaska river?

Mr. CASS-BEGGS: The Peace and Athabaska rivers have not been similarly shown. Their dimensions can be given quite easily.

The Columbia, as it crosses the United States border, has a flow of some 70 million acre feet per annum and at Mica some 15 million acre feet. Mica is at the top of the bend.

The South Saskatchewan has some 7 million acre feet per annum and the north and south branches together at Nipawin near the Manitoba border below the confluence has some 15 million acre feet.

The proposed diversion which is marked by an arrow there is also to scale. We are talking about a diversion of 4 to 5 million acre feet. Where the Columbia flows into the Pacific it is—I forget the exact figures—something of the order of roughly 200 million acre feet.

This map does not show the flows of the Peace and Athabaska rivers. The flow of the Athabaska for practical purposes in the region we are considering is of the same order as the South Saskatchewan. The flow of the Peace river in the section across northern Alberta is of the order of two thirds of the Columbia at the United States border. The Peace river in northern Alberta would be shown as something in the order of 15 millimetres, or a couple of inches in width.

In connection with topography, I should like to mention that the Columbia river may be roughly assumed to have an elevation of 2,500 feet to 2,700 feet according to the portion between Mica and Canal Flats which is being considered. The 2,600 foot level would be the possible diversion level.

The South Saskatchewan reservoir, which could be taken as the major point of delivery for water diverted, if we were considering the alternatives of say the Peace river or the Columbia, has an elevation of 1,800 feet. The Peace river at or close to the town of Peace River, and at a point at which it could be diverted, has an elevation of 1,000 feet. Those are all approximate figures; that is to say the Peace river is 800 feet below the South Saskatchewan reservoir and the Columbia river is 800 feet above it.

Mileages are possibly of some interest. The Columbia is about 350 miles from the upper end of the South Saskatchewan reservoir and the Peace river is of the order of 900 miles from the South Saskatchewan reservoir. These are background figures which, as I say, are approximate but worth keeping in mind.

In our brief, starting at page 40, we draw attention to the importance of multipurpose projects. I do not think I need argue that in detail, except to point to the fact there is almost no project on this continent for the movement of water that is not part of a multipurpose concept. Hydro power and water power are in themselves frequently complementary in these developments. The prairie provinces are reasonably well off for land and energy but, of course, they are desperately short of water. The Saskatchewan Power Corporation has made studies of the potential hydro development on the Saskatchewan river and this is shown in our map at page 41.

In our planning we have found that it is possible to develop a head of some 600 feet from the South Saskatchewan reservoir to the existing plant at Squaw Rapids near the Manitoba border over the next 20 years, or thereabouts. These plants would be so placed that the reservoir created by one dam would back up to the next plant up stream, and one can envisage the Saskatchewan river as a continuous series of lakes, with power plants at intervals from the South Saskatchewan reservoir to the Manitoba border. However, the flow of the Saskatchewan river is severely limited and it has to be recognized that consumptive use would deplete this flow. The replacement of the water used consumptively would be extremely favourable from the point of view of hydro-electric power.

It is natural that faced with a power program such as is outlined on this map, and faced with increasing consumptive use, the Saskatchewan Power Corporation should raise the question of the possibility of acquiring additional water. As a result, a firm of consulting engineers who have handled all hydro-electric studies for the Saskatchewan Power Corporation in recent years—the firm, was then known as Crippen-Wright Engineering Limited of Vancouver—was asked to undertake a study. The investigations that they undertook were necessarily of a preliminary nature. They were intended to provide a rough measure of the probable order of the costs involved in the diversions and they were not expected to evaluate the other benefits or compensations that might be required.

I draw attention to the chapter headed "Purposes and Introduction" of the Crippen-Wright report in which it is stated that the figures on the sequences proposed were made without attempting to determine the real or intangible benefits of the various schemes. The Power Corporation of course, in developing its studies has made an attempt to determine at least some of the real benefits.

In correspondence between the Premier of Saskatchewan and the Secretary of State for External Affairs, the Secretary of State stated in a letter of March 31, 1964, that alternative sources exist for obtaining water supplies for the Saskatchewan river system which on any foreseeable basis, are considerably less expensive to develop than a Columbia river diversion into Saskatchewan." We certainly agree that alternative sources of water exist. However, apart from those in the far north and in British Columbia, or on the west side of the mountains, these would not bring new water into the prairie region.

The Peace and Athabaska rivers are a part of the existing water resources for the prairies. If we were to increase the total water available, we must bring water from British Columbia. I would take it as axiomatic that Athabaska and Peace river water, so far as it may be made available, will be used either by moving it to the presently settled areas or by increasing the population adjacent to those rivers.

But we are primarily concerned with the South Saskatchewan basin since it flows through the settled arid part of the prairie provinces, and the Columbia river represents the only feasible source of additional water that is capable of direct diversion into the South Saskatchewan system. There is no feasible diversion of the Peace river into the South Saskatchewan possible except by an extreme round about route proceeding first into the North Saskatchewan and then either up through a series of pumping plants in the South Saskatchewan river itself from the confluence of the two rivers, or by a diversion in Saskatchewan to a point immediately above the South Saskatchewan dam. This would not benefit the southern part of Alberta.

It is possible to envisage a stage by stage development. Some water from the eastern slopes could be made available by the Clearwater diversion at Rocky Mountain House. This is not expensive but it would not bring any new water into the prairies. It would simply borrow a bit from the North Saskatchewan which of course would have to be replaced. It is not by any means certain that any of the North Saskatchewan flow could be spared for diversion to the South.

Diversions from the Athabaska River are feasible but power development on the Athabaska river would have to be given very careful consideration. It is noted in the brief that Calgary Power Limited have under consideration a \$225 million hydro development for the Athabaska river, involving five generating stations. The flow of the water is so small relatively that a significant diversion would make the development of these power plants impossible. It would not just reduce their capacities. Consequently, diversion of the Athabaska river would bring very serious problems of compensation, or of providing alternative sources of power.

The Peace river is undoubtedly a potential major source of water. As I mentioned earlier however, it would develop no benefits in southern Alberta. The immediate cost of the Peace river project is much higher than the cost of the alternative Columbia projects.

The government of Canada in its presentation to this committee quoted a table, or a sequence of developments that was proposed by Crippen-Wright and included the Peace river development as a logical stage in that sequence. I think it should be noted that the capital costs of these developments vary very considerably and I should like to give you the appropriate capital costs for the four stages that are quoted at page 51 of the presentation. The first one would be \$20 million to divert something less than 2 million acre feet from the North Saskatchewan to the South Saskatchewan. The second stage would cost \$105 million and it is to divert some 4,500,000 acre feet from the Athabaska river to the North Saskatchewan but not further than the North Saskatchewan and, therefore, it is irrelevant as far as the southern arid area is concerned.

The third stage would cost \$750 million to bring about 14½ million acre feet of additional water from the Peace to the North Saskatchewan, of which only 7¼ million acre feet would continue on to the North Saskatchewan reservoir. In other words, \$750 million would be in respect of 7¼ million acre feet as far as the southern area is concerned. The fourth stage would cost \$300 million for 4½ million acre feet diverted to the South Saskatchewan in Alberta from the Columbia system.

Notice that the one placed last is, in terms of capital investment, much more favourable than the Peace and in capital investment per acre feet transferred to the south it is more favourable.

In connection with the Peace river, I would also draw your attention to figures which are given on page 52 of this submission which indicate that the Peace itself is a river with very considerable power potential—and I am not referring, of course, to the heart of the Peace river in British Columbia, which is nowadays generally referred to as the Peace river project. However, below the British Columbia development there is one location—and there are several more—where a head of some 480 feet could be developed with a flow of 60,000 cubic feet per second. As a matter of comparison, one should look at the Mica creek project which has a somewhat higher head of 645 feet and about one third of the flow, 20,000 cubic feet per second. In other words, then, this one site on the Peace river could develop double the energy of the Columbia at Mica Creek. Consequently, it is by no means possible to ignore the existence of this site and assume that the Peace river can be diverted wholesale into the prairies without compensation.

It is also interesting to note that the head below the point of diversion of the Peace is in fact greater than the head of the Columbia in Canada below Mica creek; it is greater by approximately 120 feet. Whether it can be developed, we have no idea because no serious studies have been made of the lower Peace. However, the most serious criticism of using the Peace alternative to demonstrate that the Columbia is not necessary is that the Presentation compares the cost of a diversion of some 6,000 cubic feet in the case of the Columbia with the cost of diverting some 26,000 cubic feet per second from the Peace. No one is going to argue that if one develops the Peace diversion on a large enough scale the unit costs would not be as favourable as, and even more favourable than, the Columbia, but the fact is that it is not economically feasible to fit in a 26,000 cubic feet per second diversion at one stage, when we are running short of water in the South Saskatchewan and need perhaps 3,000 or 5,000 cubic feet. Certainly, while the diversion would be technically feasible, it would be impossible to handle economically.

I would like to draw your attention to a carefully considered statement that is made on page 55 of our submission. It says that the Saskatchewan Power Corporation is not in any way critical of the study made by its consultants. They were not asked to consider compensation to British Columbia or Alberta, to evaluate benefits, to consider multipurpose projects or to relate alternatives to the demands for water in magnitude or location.

There is another point to which I should refer you; namely, that in their evaluation of the cost of the Peace river project the engineers brought into the calculation a value of about \$20 million per year, which is a credit in the annual operations of the Peace diversion and it represents the value of power that could be developed at the point of diversion from the undiverted water. They stated that if 20,000 cubic feet per second of water was diverted, this would leave 40,000 cubic feet of undiverted water which would generate a very large amount of power if a power plant were constructed below the point of diversion. It would in fact develop considerably more than the total energy at Mica creek. Consequently, they credited the Peace scheme with a value of energy greater than the total energy developed at Mica creek. However, in considering Columbia diversions they did not bring in any comparable credit for the energy developed by undiverted water in the Columbia. Of course, they should not have done that, but they should not have done it in the case of the Peace either. If we correct for this conflicting consumption, the cost per acre foot for the Peace diversion is increased by some 40 per cent.

One can envisage the development of the Peace and the Athabaska in stages. First, one could divert from the Athabaska to a point somewhere below Edmonton. This is a perfectly feasible diversion if it does not interfere with power development, and one which is reasonable in cost. This diversion should be followed by one of about the same magnitude or slightly larger, and there would then be a choice between the Columbia diversion and a diversion from the Peace river. If one assumes the same volume of diversion in each case, a re-evaluation of the figures provided by our consultants, by simply adjusting them in proportion to the volumes that are involved, shows that the cost of the Peace diversion to the South Saskatchewan would be some \$11 per acre foot as compared with \$7, \$8 or \$9 for a diversion across the mountains. In neither case do these figures include compensation for the loss of power generation. The compensation for loss of power generation in the Peace river would be comparable with the compensation required with respect to the Columbia river.

Mr. MacNeill has presented table 5, and it is immediately followed by a diagram which I would like to draw to your attention. It plots in very simple fashion the deficiency that is estimated in table 5. I am now referring to page 64, figure 2.

The CHAIRMAN: Is it agreeable that this be included?

Mr. TURNER: Mr. Chairman, this is labelled "Sources of Water to meet Possible Deficiencies in South Saskatchewan Basin". There is no attempt in this table to reflect upon the engineering possibilities of these sources of water.

Mr. CASS-BEGGS: The table itself does not indicate anything regarding the engineering details of the scheme.

Mr. TURNER: You are just talking about three possible sources of water.

Mr. CASS-BEGGS: Yes.

The CHAIRMAN: Is it agreed that this should be included in the minutes? Agreed. (See Appendix.)

Mr. CASS-BEGGS: I draw to your attention the fact that these have been designated "early", "middle" and "late" periods with tentative dates 1980, 2000 and 2020. The basic planning is not affected if these dates are in error by quite appreciable margins. In setting the dates we have taken the latest date at which one could hope that these conditions would have to be met, and it has been indicated that the chances are very considerable that these conditions would occur at an earlier date. Even if they occurred later, they would still for the most part be within the treaty period.

There is one particular point that is of interest here. Let us assume we made a small diversion from the North Saskatchewan initially, followed by a replacement diversion from the Athabaska and then proceeded with diversion from the Columbia on a moderate scale, and later a much larger diversion from the Peace. I have indicated by broken lines a triangle, roughly, which is shown above the curve. The point of doing this is to draw attention to a very important feature of the relationship of hydroelectric power to potential diversions for consumptive use. Obviously, the need for water for consumptive purposes does not occur in sudden increments; it builds up over the years as the curve indicates. The development of facilities for diversion, however, would have to be made, particularly in the case of tunnels, to their final capacity in their initial stage. Consequently, over the period of build-up it would be possible to divert additional water represented by this triangle. This water works out to have a very considerable value—some 25 million acre feet of water that would develop some 33 million kilowatt hours over the build-up period, which

is indicated as about ten years, in plants that are downstream of the South Saskatchewan reservoir; that is, not in the plants through which the water would normally pass in reaching the South Saskatchewan reservoir but those plants through which the surplus water would pass below the South Saskatchewan reservoir. This would return about \$100 million and would pay for one third of the cost of this diversion or, should I say, it would have a value equal to one third of the cost of the diversion.

It is essential that the treaty should provide for and make possible this kind of use that is obtainable through the diversion.

There is another point which I think should be emphasized. The assumption has been made that it is necessary to have a water supply to meet the conditions in the three critical years of flow. However, this condition would not occur all the time. It is necessary to protect against the contingency of three years of low flow, but for many years—and one might hazard a guess and say over 80 per cent of the time—the full diversion would not be needed for consumptive uses. It could therefore be available for power in those other years. No attempt has been made here to calculate that value, but it is reasonably evident that, in a given period, it would be comparable to or greater than the value assessed during the build-up period.

I believe, Mr. Chairman, that the schematic diagram on page 69, taken together with the map that appears on page 68, gives a pretty clear presentation of what is contemplated in a typical diversion from the Columbia.

The CHAIRMAN: Is it agreeable that this be included?

Agreed.

Mr. CASS-BEGGS: I do not think it is necessary for me to recapitulate the details of this project. The pumping problem, tunnelling, and so on are well within normal engineering practice today. I am sure you are aware of the fact that over 100 miles of tunnels and associated pumping plants are in use in the Snowy mountain scheme in Australia for diversion of the Snowy river. Tunnels of greater length than these tunnels are in existence in the Snowy mountain scheme; that is, tunnels in single sections that are greater in length than are these single sections.

The fundamental principle of the diversion from the Columbia is to take advantage of the fact that the Columbia water, apart from being the only available water for direct diversion into the South Saskatchewan, is some 800 feet higher than the South Saskatchewan reservoir. The existence of this downward gradient makes it possible for the scheme to absorb the losses involved in pumping the water up—not over the top of the mountains but through relatively short tunnels. It makes it possible to recover most if not all of the pumping power. This scheme has been described in the press as raising the water by its own boot straps. This is a scheme whereby the water flowing down the eastern slope is capable of generating enough energy to pump it up the western slope. As I say, this arises largely out of the fact that there is a drop on the east side 800 feet greater than the lift required on the west.

This might be contrasted again with the Peace river, which is a pumping proposition throughout. Apart from the occasional fall and rise which complicates matters, there is a net 800 foot pumping lift in a Peace river scheme as against a net zero pumping lift on the Columbia river diversion.

Mr. TURNER: Mr. Chairman, without wishing in any way to limit the witness, may I say that we have now heard two hours of testimony from the Province of Saskatchewan.

The CHAIRMAN: Yes. Actually, we would have perhaps saved time by simply reading the brief because a great deal of new material has been put in

during the summary. However, I have tried to be fair and to give as much latitude to these gentlemen as possible. However, perhaps Mr. Cass-Beggs has nearly completed.

Mr. HERRIDGE: These are very important witnesses who are dealing with a highly technical question.

The CHAIRMAN: I am sure that is so. I am sure every member of the committee agrees. The only point is that we did establish a custom that when material was distributed to members of the committee, there would be a summary. I am sure we have just about completed this submission. I have endeavoured to be as liberal and as fair as possible in the circumstances.

Mr. GROOS: Could we ask the witness how much longer it would take him to finish in the normal course; if he has almost finished, why do we introduce this now?

Mr. CASS-BEGGS: I would say I will be another five minutes.

Mr. Chairman, the project that is illustrated in these diagrams is advanced only as one typical project. We are not certain that it is the most economic one. We have analysed it simply as an example of a multipurpose approach. The figures which are presented for capital and operating costs—which occur in Table 6 and Table 7, which is continued on page 79—indicate that with the very rough approximation we have had to make, it is possible to have a benefit cost ratio that is greater than one; that is, taking into account the supplementary benefits that can be obtained from the project, it is possible to move the water in question from the Columbia to the prairie provinces with no cost being charged to the water as such.

In so far as the water could be used for irrigation and industry, and in so far as charges could be assessed against the users, these charges would represent additional benefits for the scheme which potentially could raise the benefit cost ratio very considerably. One example that is cited shows 1.4 to one. The benefits which have been taken into account are listed in the report. I will not review them in detail.

The CHAIRMAN: Excuse me. Reference has been made to Tables 6 and 7. For the purpose of the record, is it agreed that these be included; these are on pages 72 and 78.

Agreed. (*See Appendix.*)

Mr. CASS-BEGGS: The benefits we have used in these computations consider the transformation of power from interruptable to firm power. I think this is a technical point which might need a little further explanation. I believe it is obvious there would be no objection in a pumping scheme of this kind to interrupt the pumping process for hours or days, provided that reservoirs exist, high up in the mountains, in which the water could be stored over a reasonable period. Consequently the power that would be used for pumping would be secondary or interruptable power which a utility is very happy to provide at very low cost. It could be purchased from British Columbia or the Pacific Northwest, or it could be moved from Alberta. Generally speaking, I see access to relatively large amounts of this kind of power. On the other hand, the energy developed on the eastern side of the mountains would be with water withdrawn from reservoirs providing storage and it would be firm power. Firm power is power available when you need it to meet the peak loads of the day. This power has a higher value. In fact, the whole basis of the downstream benefits of the Columbia treaty is the conversion of secondary or interruptable power which, at any time, could be secured with sufficient installation in the United States, to firm power that will be available to them on need.

This has been valued, I think, at some four or five mills per kilowatt hour in the United States. We are assuming a $1\frac{1}{2}$ mill incremental value for the conversion from interruptable to firm power.

There is one point with reference to the matter of pumped storage. All over the world, projects are being developed for the sole purpose of pumping water up to a reservoir during the night and returning it in the peak hours of the day, to meet short term loads, say, in the rush hour at six o'clock in the evening. Enormous sums are being invested in this country and in other countries for this purpose. The most obvious scheme in Canada is that at Niagara Falls operated by Ontario Hydro. The most significant scheme in Great Britain is in north Wales where water is pumped in the order of 1,000 feet. These schemes are developed for use in conjunction with nuclear energy and in conjunction with other energy sources which are more economically used continuously.

I suggest that no engineer today would think of installing a major pumping plant without at the same time providing for it to be used in this fashion. If it were so arranged, then this would have a separate value which I have estimated at between \$10 and \$15 per kilowatt year, which would bring, assuming 1,000 megawatts of installation, some \$10 million to \$15 million of revenue.

I am mentioning only the most important benefits that have been considered. These have been listed in the table which I already have mentioned. They are subject to a fairly sizeable margin of error, but nevertheless they indicate the over-all probability of a feasible scheme, without any net cost for the movement of the water.

I think it goes without saying that we also have investigated such matters as the availability of energy at the time such a project might be developed, and we are satisfied that this energy could be made available and that the peaking capacity of these plants could, in fact, be absorbed by the existing systems.

Our final point is mentioned in the conclusions—apart from the conclusions of Mr. Strayer—on page 82 and following pages. In particular, I wish to emphasize the role that the Government of Saskatchewan feels the Government of Canada should play in ensuring the optimum use of the rivers of Canada. We feel that the Columbia should be considered essentially as an international river, and that its benefits should be made available for Canada as a whole.

We cite two examples in which the government of Canada has influenced and developed a policy in respect of export—and, after all, we are referring to export of water in the Columbia treaty. In the case of mutual gas, the government required that the needs of Canada should be met before Alberta was allowed to export its gas surplus. These needs were carefully assessed by the Energy Board and when it was clear that all foreseeable needs of Canada would be met, then the surplus was authorized for export. The same policy has been advanced with regard to the export of electric power, for example from Newfoundland and Labrador; from Ontario, potentially from Manitoba, and from British Columbia. I believe it is the policy of the government of Canada that such exports should be organized that they are capable of recovery. This is the position that the Government of Saskatchewan is urging with regard to the export of water.

Thank you, Mr. Chairman.

The CHAIRMAN: The first person I have on my list to ask questions is Mr. Brewin, followed by Mr. Macdonald.

Mr. BREWIN: Perhaps I should start with a question to Mr. Strayer with regard to the legal aspects of this brief. Would you refer to page 14, the definition of consumptive use in *Nebraska v. Wyoming*, which was apparently

decided in the supreme court in the United States in 1945. I wonder, Mr. Strayer, whether you have that definition available to you. We could look it up for ourselves, but it might be worth while to have it on the record where we might have a look at it.

Mr. STRAYER: By way of preface, I must say that I searched for judicial authority in Canada, the United States and England, and the only judicial definition of this term "consumptive use" which I could find is in the United States Supreme Court. The supreme court said: "Consumptive use represents the difference between waters diverted and water which returns to the stream after use for irrigation."

Mr. MACDONALD: In this particular connection, would you not agree that a statement by a member of the United States executive with regard to the treaty would take precedence over any domestic law with regard to the term consumptive use, so far as an international tribunal is concerned.

Mr. STRAYER: International tribunals tend to be guided by three or four sources of law; treaties are the most important, also the writings of publicists learned in international law, decisions of other international tribunals, and principles common to civilized systems of law. I should think that an international tribunal would have every reason to look at decisions of the United States Supreme Court, because that court has had more experience in this field of interstate rivers than any international tribunal.

Mr. MACDONALD: What I am suggesting is that there is the important element, namely the interpretive statements by executive members of the United States government with regard to this treaty, and even subsequent interpretive statements.

Mr. STRAYER: I think it would depend on the context in which those statements were made.

Mr. MACDONALD: You are not familiar with any interpretive statements with regard to the meaning of consumptive use in relation to the treaty?

Mr. STRAYER: The analysis which was prepared by the United States officials with regard to the treaty—

Mr. MACDONALD: Which official in particular?

Mr. STRAYER: This is the analysis by the United States negotiators. It is an analysis of the report to the government of the United States and the government of Canada relative to the water resources of the Columbia river basin.

Mr. MACDONALD: Have you read the evidence given by those negotiators to the Senate committee?

Mr. STRAYER: I do not think I have read it all.

Mr. MACDONALD: Thank you.

Mr. BREWIN: Mr. Strayer, at page 18 of the presentation you dealt with what you call restoration of the pretreaty legal status. You have dealt with Article XVII of the treaty. I would like to ask you whether you have given any thought to the meaning of the word "then", which appears at the end of the seventh line where it says:

Nothing in this treaty and no action taken or foregone pursuant to its provisions shall be deemed after its termination or expiration, to have abrogated or modified any of the rights or obligations of Canada or the United States of America under then existing international law with respect to the uses of the water resources of the Columbia river basin.

Have you given any thought to the meaning of the word "then"? Is that the date of the termination or expiry of the treaty?

Mr. STRAYER: I assume this must refer to the time at which the treaty is terminated.

Mr. BREWIN: Does that fortify your view that any equities which you discuss later arising from uses in the meantime necessarily would have to be taken into account?

Mr. STRAYER: Yes. I should think the law, which is then applicable, certainly would then have to be applied to the situation which then exists, and that will be a situation, presumably, where there has been a more extensive development of the United States Columbia, and only the treaty development of the Canadian Columbia.

Mr. BREWIN: If I may endeavour to summarize what I understand to be your view on this matter, there is not any doubt at all, is there, that the treaty contemplates prohibition of diversion for the generation of power, if we take it simply? Therefore, if the scheme of diversion is clearly and purely for that purpose, it would not be permitted under the treaty.

Mr. STRAYER: I think it is agreed on all sides that that is so if it is solely for that purpose.

Mr. BREWIN: If on the other side, you are going to say it is clearly for a consumptive purpose and no other purpose—as has been emphasized to us a number of times—then subject to what you said about within the basin and the limitation of what is meant by consumptive, it is permitted.

Mr. STRAYER: Yes. We would like to emphasize it must be for a consumptive use, not purpose.

Mr. BREWIN: Yes then, may I ask you this: Is the ambiguity that you find in the treaty that it does not appear to deal with what might be called a mixed use, the use for what is clearly consumptive on the one hand, and for power on the other? Is there anything you find in the treaty or the protocol which spells out what is to be the right in relation to that?

Mr. STRAYER: I find it even hard to say there is an ambiguity on this point, because it seems to me the definition of use dealing with consumptive use clearly excludes any use for hydroelectric purposes. I would say that the least one could say is there is an ambiguity, which I am not sure I am prepared to concede. If the definition section clearly excludes the use, then it strikes me there is not really an ambiguity on the matter.

Mr. BREWIN: If there is an ambiguity, and there is good authority in this regard, including the members of this committee, particularly Mr. Davis, who say there is ambiguity, you suggest it can be cleared up by further correspondence or an added protocol?

Mr. STRAYER: Yes. I think this is perhaps the least that could be done here. It seems to me that when you can make out two opposite interpretation of the treaty which have been made out, there is a problem involved which ought to be clarified at this stage.

Mr. DAVIS: As a layman, not to be confused with a lawyer, I should like to have your interpretation of what is meant by "use". Does this refer to beneficial use? Does the use have to be useful in the sense of producing some power, or could we have situations where the amount of power that has to be put into this system exceeds the amount of power developed? Must the use be beneficial? Could the use be something that is wasteful of power but incidental to the production of power not sufficient to overcome the power consumed?

Mr. STRAYER: I find no qualification of this regard in terms of "beneficial" use. It seems to me that the definition section is unqualified on that point

and that it is simply "use" but not "beneficial use". That is, you would not have to prove in each case that it was an economically sound use of the water. If someone decided to use the water for stock which was uneconomical to raise it would still be "stock-water".

Mr. BREWIN: We have had a number of explanations in this regard made by the Secretary of State for External Affairs. I think it follows from the answer given to Mr. Davis that the word "use" would have to be associated with the word "primarily" or "mainly", or something of that sort. If such a word as "primarily" or "mainly" was intended to be implicit in the definition would you have expected it to be stated explicitly as a matter of draftmanship?

Mr. STRAYER: Yes, I would think so. That might not have been necessary had there not been this specific exclusion. I would have thought for the sake of clarity one would have referred to "primary" use or "main" use. Certainly, if I were drafting a document like this and if that was my objective I would put some term like that into it.

Mr. TURNER: If you had been part of the negotiating team drafting that treaty would you think there might have conceivably been a reason during the course of negotiations for not clarifying this?

Mr. STRAYER: I am afraid that is beyond the limits of my knowledge. I am trying to give an opinion of what the treaty means as it stands and the way I think it would be interpreted by an international tribunal. I would think if an international tribunal were faced with the prospect of interpreting this section they would tend to read it in terms of the words used and in terms of the background information available to them.

Mr. GELBER: Would the witness say that it could be clarified to our disadvantage?

Mr. STRAYER: I am not entirely sure what you have in mind, sir. Naturally, we could make a further clarification which would be to our disadvantage but I do not expect we would do that. Do you have in mind the possibility that if we were clarifying it further we might in fact limit the diversion rights we do have under the treaty at this time?

Mr. GELBER: We might extend the rights of the United States.

Mr. MACDONALD: We might create an alternative.

Mr. STRAYER: I do not expect we would agree to that sort of a change.

Mr. GELBER: We would open up that possibility, would we not?

Mr. STRAYER: I should not think Canada would be obliged to agree to any such change.

Mr. GELBER: That might have been a problem faced by the negotiators.

The CHAIRMAN: Is there an answer to Mr. Gelber's question?

Mr. BREWIN: Could I refer to Mr. Gelber's question and try to explain what I think Mr. Gelber was saying?

Mr. GELBER: I could not have a better counsel.

The CHAIRMAN: I do not want the witness to get away from Mr. Brewin but I wonder whether he could give an answer to Mr. Gelber's question, which certainly I thought was very clear.

Mr. STRAYER: I take it the question put then, sir, is that if we agreed to further diversion rights or to clarifying them, this agreement might involve equal rights on the other side of the border.

Mr. GELBER: It might involve rights which were other than equal.

Mr. STRAYER: The clarification which we are suggesting, sir, as set out at pages 84 and 85, would not have that effect. I could conceive that we could agree to some arrangement which would have that effect but the suggestion which the Saskatchewan government has made I submit would not have that effect.

Mr. BREWIN: What I thought Mr. Gelber was referring to, and perhaps I misunderstood him, was this. If we ask for a clarification, and your view in regard to the popular interpretation by our opposite numbers in the United States is correct, they might say: of course we intended to restrict this to diversion for purely consumptive purposes and not for multipurposes. If they did insist on that sort of a clarification we might end up with a treaty that clearly excluded the rights which you say or suggest may be useful in Saskatchewan; whereas, at this time we may have something that is at least ambiguous or arguable in the future because of the failure to seek this clarification. Any clarification might perhaps have adverse results in respect of our rights.

Mr. MACDONALD: Would you like me to explain Mr. Brewin's question?

Mr. TURNER: You might explain if it is a question at all.

The CHAIRMAN: You leave Mr. Brewin alone. Do you have an answer to Mr. Brewin's question?

Mr. BREWIN: I do not need any protection from Mr. Macdonald.

The CHAIRMAN: I think Mr. Brewin's question was clear. Could we have an answer to that question?

Mr. STRAYER: I think that danger might exist. I think it is a very real danger but it strikes me there is sufficiently strong argument in favour of this point of view, which we feel the United States might assert, that it is going to be asserted later when the matter becomes critical and that it would be better now to find out what their position is on the matter before final ratification is carried out.

Mr. BREWIN: I should like to ask Mr. MacNeill one or two questions. Perhaps other members have questions to ask Mr. Strayer before I continue.

Mr. HERRIDGE: I should like to ask one question. At page 21 of your brief you state:

Nor does this article require the United States to provide itself with other sources of power at that time, in order to avoid the inevitable diplomatic objections which would follow from a Canadian diversion which interfered with existing American power generation.

At the bottom of the page there is a footnote which states: "20/See e.g. Cohen, *Supra* note 4, at p. 41"; would you explain what that reference is and elaborate to some extent?

Mr. STRAYER: Yes. I think there are two levels of difficulty involved in developing new uses in Canada for this water after the termination of the treaty. There is the legal level which I have suggested might arise based on an equitable apportioning, and it seems there also is a diplomatic level of problem in respect of Canada diverting this water after the termination of the treaty.

Professor Cohen of McGill University raised this point quite clearly in an article which he wrote in 1958 dealing with the Columbia river dispute, and it is cited in the footnote four at page 8 of our brief. In this article in conclusion Mr. Cohen said:

But a word of warning here. Over forty years ago, Sir Clifford Sifton foresaw the dangers of trying to export water now and recapture it later

in the form of power when we needed it. Recapture, he warned, is almost impossible when the United States and its industries develop a vested interest in what they have received. That warning is still relevant. In order, therefore, to safeguard any such bi-national arrangement, the treaty must stipulate the rate and method of recapture by Canada and must bind the United States to provide herself with alternate sources of power, such as thermal (gas and coal), or atomic energy plants, or from other sources. Spelled out in some detail by the treaty, such specific provisions should go a long way toward protecting the Canadian position on the right to and method of recapture.

I think he is directing his remarks toward the diplomatic problem which would arise, should large United States industries be dependent on water produced from Canadian storage in the year 2024, if Canada then tried to divert some of this water.

Mr. MACDONALD: Would you say that when you refer to equities there you are not using that term in the narrow legal sense, but you are referring to extra legal inhibitions at some stage either customary or conventional which one could expect at a later date?

Mr. STRAYER: That is not exactly true. I was speaking in terms of equitable apportioning.

Mr. MACDONALD: You said the equities might prevent us from realizing this; is that right?

Mr. STRAYER: I was speaking of the two levels of difficulty. What I meant to say is that the equities would be against us at the legal level, and I referred to equitable apportioning. On the diplomatic level I think we would simply be faced with strong diplomatic objections from the United States with respect to diversions of waters which produced power for United States industries in the northwest. I think these would be diplomatic objections which would be difficult to ignore.

Mr. TURNER: Mr. Chairman, I would like to suggest that it might be an orderly procedure, if the members of this committee will agree, to continue questioning one witness at a time. In view of the fact we have opened up these legal matters, it might be a little more harmonious to our questioning if we complete our examination in this regard before going to some other subject.

The CHAIRMAN: I am of course in the hands of the committee in this regard.

Mr. BREWIN: I agree with Mr. Turner's suggestion. I have no further questions at this stage.

The CHAIRMAN: Mr. Macdonald is next on my list. I do not understand what Mr. Brewin means when he says he has finished his questioning at this stage.

Mr. BREWIN: I have no further questions in respect of the legal aspect but I do have questions I should like to ask Mr. MacNeill and Mr. Cass-Beggs.

Mr. BYRNE: Mr. Chairman, would you entertain a motion to adjourn for lunch?

The CHAIRMAN: We will adjourn now and report back at 3.30 this afternoon.

The committee adjourned.

AFTERNOON SITTING

THURSDAY, May 14, 1964.

The CHAIRMAN: I see a quorum.

I beg to report correspondence from: John E. Ball, President, United Electrical, Radio and Machine Workers of America, Local 504, Hamilton; W. McPherson, Toronto, Ontario; James Salfi, chairman, legislative committee, Local 536, United Electrical, Radio and Machine Workers of America; workers of Ferranti Packard Electric, Toronto; Exide Electric Storage Batteries employees, Toronto; employees of the Arborite Co., Toronto; workers at Trane Company, Toronto; workers at Square D Company, Toronto; P. J. Gallagher, recording secretary, local 96, CBRT and GW, London, Ontario; workers at Hoover Co., Hamilton; workers of Yale and Towne, St. Catharines; John Losell, Hamilton, Ontario; workers in stores area, Ward street plant, Canadian General Electric plant, Toronto; executive of local 515, United Electrical, Radio and Machine Workers, of America, Royce workers, Canadian General Electric, Toronto; executive Board, local 512, United Electrical, Radio and Machine Workers of America, Toronto; shop stewards, local 521, United Electrical, Radio and Machine workers of America, Canada Wire and Cable Co., Leaside, Ontario; and I have 12 telegrams from members of local 523, United Electrical, Radio & Machine Workers of America, Welland, Ontario.

I have this instant received two more telegrams, one from ladies auxiliary 117 of the International Mine Mill and Smelter Workers, and the other from the employees of Canadian Westinghouse, Toronto.

Mr. DEACHMAN: How many of those are from British Columbia?

The CHAIRMAN: None is from British Columbia.

Mr. MACDONALD: I would like to put one question to Mr. Cass-Beggs and my other questions to Mr. Strayer.

Mr. Cass-Beggs, my question is based on the terminology used on page 5 where you use the phrase, "the best legal opinion which we have been able to obtain". That would suggest you have more than one. Is that the case, or is Professor Strayer's opinion the one upon which you found your brief?

Mr. CASS-BEGGS: I would not like to admit that Professor Strayer's opinion is not the best, Mr. Chairman, but we have also had other legal opinions.

Mr. MACDONALD: Favourable or unfavourable to your point of view?

Mr. CASS-BEGGS: The opinion was in line with the views we have set forth.

Mr. MACDONALD: Who are the authors of these opinions, and why are they not here today?

Mr. CASS-BEGGS: I think the answer is that the government of Saskatchewan did not request them to attend.

Mr. MACDONALD: In other words, you will be relying upon Professor Strayer for the opinions you put forward?

Mr. CASS-BEGGS: Yes.

Mr. MACDONALD: I would ask Professor Strayer, then, if he is a lecturer in public international law at Saskatchewan?

Mr. STRAYER: No, I have done some lecturing in public international law but I am not the lecturer in public international law.

Mr. MACDONALD: I notice you have done a considerable amount of publication in journals but none on public international law.

Mr. STRAYER: That is fair.

Mr. MACDONALD: Have you represented any one before any international tribunal?

Mr. STRAYER: No.

Mr. TURNER: May I ask a supplementary question?

The CHAIRMAN: Mr. Turner.

Mr. TURNER: The Chairman, in reading your qualifications, said that you specialized in international law when you were studying towards the B.C.L. degree at Oxford. Will you expand on that?

Mr. STRAYER: I do not know that there is very much upon which to expand. I studied under Professor Waldock, who is the professor of international law at Oxford. I did tutorials on the subject and I took lectures in the subject.

Mr. TURNER: What type of degree is the B.C.L.? Is it a thesis degree or a series of examinations?

Mr. STRAYER: It is a series of examinations.

Mr. TURNER: What are the subjects of those examinations?

Mr. STRAYER: In my case, public international law was regarded as my special subject.

Mr. TURNER: As one of the options? Is that right?

Mr. STRAYER: Yes, at that time one could choose a special subject and that was mine. I also took private international law, equity, jurisprudence, common law and a couple of classes in Roman law, which I might add is relevant to this topic because much of the English riparian law comes from Roman law.

Mr. TURNER: Was international law one of the seven papers you wrote towards your B.C.L.?

Mr. STRAYER: Yes.

Mr. MACDONALD: I would like to refer particularly to the brief at page 13. In paragraph (b) on that page and elsewhere in the brief you place some considerable support on the use of travaux préparatoires. I would like to refer to McNair on the "Law of Treaties", the text which you cite in your footnote and the definition of travaux préparatoires or preparatory work:

—an omnibus expression which is used rather loosely to indicate all the documents, such as memoranda, minutes of conferences, and drafts of the treaty under negotiation, for the purpose of interpreting the treaty.

Would you regard that as a general definition?

Mr. STRAYER: Will you please repeat that?

Mr. MACDONALD: Yes.

—an omnibus expression which is used rather loosely to indicate all the documents, such as memoranda, minutes of conferences, and drafts of the treaty under negotiation, for the purpose of interpreting the treaty.

Mr. STRAYER: Yes, I think in a general way that is the definition.

Mr. MACDONALD: I would gather that the conclusion under paragraph (b) of page 13 is central to your argument. Would that be a fair statement?

Mr. STRAYER: No, it is not central to our argument. There are other things of the same nature which I can cite if you wish, but this is the fundamental evidence upon which we base this particular part of our argument.

Mr. MACDONALD: I refer you to the protocol, paragraph 6 (1), and perhaps I may read that out since it is a very short paragraph:

Canada and the United States of America are in agreement that article XIII (1) of the treaty provides to each of them a right to divert water for a consumptive use.

That, I think you would agree, really amounts to a positive affirmation of the right to make diversions for consumptive purposes. Is that a fair statement?

Mr. STRAYER: Yes.

Mr. MACDONALD: Can you tell me if you have examined all the travaux préparatoires relevant to that particular article?

Mr. STRAYER: I think I would be foolish if I were to say that I had because, as Lord McNair's definition notes, "travaux préparatoires" is a very broad and somewhat ambiguous description of any manner of material, and if I suggested I had read every negotiators' document it would be foolish because, as Mr. Martin pointed out to the committee, a lot of these are confidential documents. However, I might say I think I have seen the most relevant document which was available to me. You have quoted Lord McNair, and Lord McNair also says, at page 423, that travaux préparatoires

—should only be admitted when it affords evidence of the common intention of both or all parties.

When I say I looked at what I considered to be the most relevant document I mean that this document which was signed by both negotiating teams and adopted by both governments, seems to me to be the best evidence of the intention of both governments.

Mr. MACDONALD: Mr. Martin has indicated to us that this subject upon which your opinion has been given was specifically the subject matter of the negotiations in connection with the protocol—not the treaty, the protocol—and the article which I have read. Have you examined the minutes of negotiations for the protocol?

Mr. STRAYER: No.

Mr. MACDONALD: Have you seen the successive drafts preparatory to the final draft of the protocol?

Mr. STRAYER: To the best of my knowledge they have not been available to us. We have asked Mr. Martin on various occasions for some indication of the basis of his conclusion. That information has not been forthcoming.

Mr. MACDONALD: You have recognized, of course, that negotiations, as very commonly is the case between two sovereign states, are frequently confidential in this way.

Mr. STRAYER: Yes, but I am not sure, if they are to be confidential, that they will be very good evidence for Canada in the future.

Mr. MACDONALD: Surely they are only relevant as between the two parties. Is that not correct? This is essentially a bilateral treaty, and the rights are only to be asserted as between the two sovereign states. If in the future it becomes the subject matter of dispute, they can be fully brought forward before an international tribunal.

Mr. STRAYER: Possibly, but these may have been negotiations carried on without prejudice, which would not be available for an international tribunal; whereas we have this very clear document signed by both parties which indicates that the government of Canada publicly declared that it was their intention that the treaty should not permit diversion out of the Columbia river basin.

Mr. MACDONALD: But the treaty does not indicate that the question of diversion to the prairies was specifically under discussion.

Mr. STRAYER: No, but I cannot see that the protocol, which is supposed to embrace what I take your suggestion to be, the new view, in any way alters what the treaty says. I think you have to go back to the treaty and see what was the negotiation which led up to the signing of that treaty.

Mr. MACDONALD: If you can use the travaux preparatoires and refer to that particular report for your reference to article I (a), it is surely pertinent to refer to all the documents and not just the ones you have seen.

Mr. STRAYER: That is true, but I must say with every respect that we have had no indication that any such document exists.

Mr. MACDONALD: May I say to you with equal respect that we have had a very clear indication by Mr. Martin that such a document exists. We had a very clear indication of that in his testimony which he gave to this committee.

Mr. STRAYER: Will you indicate to me the page in which this clear indication is contained?

Mr. MACDONALD: On page 132.

Mr. STRAYER: May I have a copy of that made available to me?

Mr. BREWIN: I have a copy.

Mr. STRAYER: What is it?

Mr. MACDONALD: Mr. Martin says:

I do not propose to reveal the position in a private negotiation between ourselves and the United States officials in respect of what their position was, but I can tell you there is no doubt that they know of this interpretation and, regarding them as reasonable minded people, I have no reason to believe that they would not concur in that interpretation.

I think it is a specific indication that this was the subject matter of negotiation.

Mr. BREWIN: It certainly does not say so.

Mr. STRAYER: If that is a specific indication I should hate to see an un-specific one, because what it says, as I interpret it, is that this position has been stated in the negotiations privately and the United States has not specifically said no. However, I think that is somewhat short of an admission by the United States or a document signed by the United States indicating that the right of diversion exists.

Mr. MACDONALD: We are not really talking about admissions, but I am prepared to go on to that point. What I am saying is that this is very relevant evidence as to the way in which the protocol is to be interpreted, and since you have not examined the minutes of these proceedings or the drafts themselves you are not really competent to give an interpretation of the provisions.

Mr. STRAYER: As I say, I can form an opinion that the most relevant documents—and I think we have cited them in our brief—indicate the contrary, and they only support what I think is almost apparent from the treaty itself.

I think if you went into an international tribunal, Mr. Macdonald, and tried to argue that article XIII (1) gives an unlimited right of diversion for consumptive purposes you would be met with the obvious argument that the rest of the article limits the right of diversion very specifically, and the whole of article XIII would then be rendered an absurdity, which I think the court would avoid finding.

Mr. Martin in his evidence before the committee cited the Cayugas Indian case, and the point of all that, I think, was to show that an international tribunal will not go out of its way to find that a document is an absurdity. I think that is exactly what it would be finding if it interpreted article XIII (1) to mean we have unlimited right of diversion for consumptive purposes out of the Columbia basin.

Mr. TURNER: Do you think the interpretation of article XIII is that (1) is limited to consumptive use whereas (2) and (3) contemplate all uses?

Mr. STRAYER: That is true.

Mr. TURNER: Therefore, is the specific restriction in (1) necessarily relevant to an interpretation of the wider meaning in (2) and (3)?

Mr. STRAYER: I think it is, Mr. Turner, and I think you will agree that it is if you consider that the obvious purpose of this article is to protect the United States from excessive diversions out of the Columbia system. Surely that must be the purpose. What difference can it possibly make to the United States for what purpose we use this water if we take it out of the river?

Mr. TURNER: I am just questioning you on your basis of legal interpretation by saying that because there are two restrictions set forth in (2) and (3) it necessarily governs the interpretation of (1) since (2) and (3) are all uses and (1) is just consumptive use.

Mr. STRAYER: I do not see the point of your difficulty because surely the question in each case is how much water is going out of the river, and it seems to me that the rational way to interpret this article is to consider that the reference to consumptive use is a reference to the type of uses which are typical of riparian owners, uses which do not reduce the flow, in many cases, or which reduce it only by a small amount.

If you use water for watering stock, it really does not threaten Grand Coulee dam. If you use water for municipal purposes, I think the United States could assess the potential municipal uses along this river and decide they are probably not going to be very great. This use would not be extensive in the Columbia river basin. They permit that, but then when they permit diversions for broader purposes in (2) and (3) they limit it very strictly because they are afraid if water is used for other purposes the diversions might be substantial.

Mr. TURNER: I am just arguing not on flow and that sort of thing but on your own words of legal interpretation, the laws of interpretation of a treaty or any type of document. Or do you imply that (1) is affected because there are specific interpretations in (2) and (3)? I am suggesting that specific interpretation of (2) and (3) relates to something different, that it relates to all uses and that (1) is limited to consumptive use.

Strictly speaking the whole article relates to diversions. Paragraph one limits the right of diversion in terms of purpose. Paragraphs (2), (3), (4) and (5) limit it in terms of amount and time. I concede all that. I am suggesting that the whole purpose of the article is to limit the amount of water diverted, and that is accomplished in paragraph one, by limiting to "consumptive use" and in paragraphs (2), (3), (4) and (5), by setting amounts and times.

Mr. MACDONALD: I think we have established that you looked at the most relevant documents, but you also acknowledged that you did not look at any minutes of negotiations nor the draft act, so you could not say that you have looked at the most relevant documents if you have not examined all the documents?

Mr. STRAYER: I have two answers to that. First, we are considering the Columbia river treaty and the protocol which, because it in effect incorporates the phraseology of the treaty, must be interpreted in the same sense as the treaty.

With regard to interpreting the treaty, we have a statement signed by a minister of the Crown in the right of Canada and by the other negotiators stating it is one of the principles that there should be no diversion out of the Columbia river basin. We have a statement by the Prime Minister in January, 1961, to the effect that the treaty is based on the principles of September 28. We have the further statement that those were adopted by both governments in

October, 1960. It seems to me, in order to overcome the weight of this evidence, we must have something more significant than general suggestions by Mr. Martin that the United States authorities know what he means, and have not said he is wrong.

Mr. MACDONALD: I think it is somewhat stronger than that. I put it to you that this matter probably was not discussed prior to the treaty, but it was discussed prior to the protocol.

Mr. STRAYER: The protocol changed nothing. In this respect, the protocol says nothing about it.

Mr. MACDONALD: It refers to consumptive use. The term "consumptive use" is used in the protocol. The provision is to be interpreted within the context of the protocol.

Mr. STRAYER: I think it would be more logical to interpret it the same way the treaty is, because the treaty uses the phrase "consumptive use". One can assume that consumptive use in the protocol refers back to its definition in the treaty.

Mr. MACDONALD: I think it is to be taken in the entire context of the negotiations, and not just the negotiations in respect of the treaty alone.

Mr. STRAYER: If the government of Canada has some evidence on this point which is as conclusive as you suggest, they certainly have not indicated it in our long efforts to obtain some information on it.

Mr. MACDONALD: Because it is confidential. However, they certainly have asserted the opinion through the law offices of the crown that this has adequately been taken care of. Have you examined the words of General Itschner before the United States Senate committee on foreign relations in connection with consumptive and nonconsumptive uses.

Mr. STRAYER: I have examined part of his statement. To which part do you refer?

Mr. MACDONALD: At page 56 of these hearings, namely that they are diversions for nonconsumptive uses out of the basin which are prohibited by the treaty.

Is Mr. Brewin your counsel in this regard?

Mr. BREWIN: I am being helpful. Would you rather the witness did not have access to the volume to which you are referring?

Mr. MACDONALD: Mr. Chairman, we have heard from Mr. Brewin and Mr. Herridge. Perhaps Mr. Cameron wants to say something.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): If I want to say something, Mr. Macdonald, you will certainly know that I want to say it.

Mr. MACDONALD: I would put it to you, Mr. Strayer, that that is a legal interpretation by a senior official, and as a matter of fact, a senior official of the agency responsible for carrying out most of the negotiations.

Mr. STRAYER: To what part are you referring?

Mr. MACDONALD: The paragraph beginning with the words: "Except for diversion—". I will read it:

Except for diversion of the Kootenay river to the headwaters of the Columbia river as discussed below, Canada and the United States are each expressly precluded for at least 60 years, without the consent of the other from diverting for other than consumptive uses any water from the natural channel of the Columbia river or its tributaries if the diversion would alter the flow of water crossing the boundary. Con-

sumptive use is defined to mean the use of water for domestic, municipal, stock-water, irrigation, mining, or industrial purposes, but does not include use for the generation of hydroelectric power. Thus, either country can use the waters of the Columbia river and tributaries for consumptive uses even though this many (sic) alter the flow of a stream where it crosses boundary, without obtaining the consent of the other country. This restriction, however, prevents diversion of water from the Columbia river and tributaries outside of the Columbia river basin for nonconsumptive uses, of which hydroelectric power generation is of greatest concern. Thus, such diversion of Columbia river waters into the Fraser river basin would be prevented for at least 60 years.

Mr. STRAYER: Yes, I am familiar with that statement because Mr. Martin, I think, communicated that to Premier Lloyd in correspondence dated October 3, 1963. I might say in the first place that this does not really state the case positively. The statement to which I take it you are referring is this:

—and tributaries outside of the Columbia river basin for nonconsumptive uses, of which hydroelectric power generation is of great concern.

That states the position negatively but not positively that there is any right of diversion out of the Columbia basin for any purpose. If I had to choose between this statement and the statement which the Canadian and the United States negotiators had signed and which the respective governments approved some four or five months previous to this testimony, I think I would have to rely on the statement which the two governments had approved, because as Lord McNair stated, what you have to look for is evidence as to the intention of both parties.

Mr. MACDONALD: This really is a contemporaneous interpretation by the United States with regard to what its rights and obligations were.

Mr. STRAYER: It does not state anything positively. One does not know why General Itschner happened to state it in this way before this particular committee.

Mr. MACDONALD: It does indicate that they certainly were not confining themselves to within the basin.

Mr. STRAYER: It does not talk about diversions out of the basin. He says you cannot divert.

Mr. MACDONALD: He is talking about diversion for nonconsumptive uses out of the basin.

Mr. STRAYER: He says:

—prevents diversion of water from the Columbia river and tributaries outside the Columbia river basin for non consumptive uses,—

He says it prevents that.

Mr. MACDONALD: So, he is talking about diversion in and out of the basin and consumptive and nonconsumptive uses.

Mr. STRAYER: He nowhere states there is the right of diversion out of the basin.

Mr. MACDONALD: You referred to an article by Professor Maxwell Cohen in support of the proposition that Canada's rights under Article II of the Boundary Waters Treaty are absolute, and that in fact there is no obligation to compensate the United States in this regard. Is that a fair statement of your quotation?

Mr. STRAYER: I do not think I cited Professor Cohen on the second point, although I think he reluctantly accepts that position.

Mr. MACDONALD: Is it not the case that far from Canada's rights being clear and uncontested with regard to diversion under the Boundary Waters Treaty, particularly in relation to compensation, they have been contested and were very much disputed for at least ten years before the International Joint Commission?

Mr. STRAYER: That is entirely true. In the first place, the Canadian government consistently, I think, has asserted its right of diversion. To go back to the time the treaty was submitted to the House of Commons, Sir Wilfrid Laurier stated the position quite clearly, and this was followed through, if you look at the debates in 1955, when the International River Improvements Act was introduced, when the Rt. Hon. C. D. Howe stated the position in the same fashion. I am not aware that Canada has stated any other position before the International Joint Commission. In fact, the United States has also maintained this is the situation when it came to matters affecting the rights of the United States in 1952. The International Joint Commission approved of it in respect of the Waneta dam, when it was asked to preserve the absolute rights of the United States to divert the Pend Oreille river as it saw fit. I do not think that this is very much in dispute.

I think that Mr. Martin in his testimony on April 9 before this committee was not saying Canada did not have the right. I understood him to say that Canada did have the right of diversion. I think the place for dispute has arisen with regard to the right to compensation. There is some difference of opinion here.

Without wishing to prolong matters this morning, I suggested that I think there is good authority for the proposition there is no right of compensation because the treaty specifically says that the rights which the downstream riparian proprietor has are those to which he would be entitled under the law of the place where the diversion occurs, and, under British Columbia law by their Waters Act, all rights with regard to water belong to the Crown.

Mr. MACDONALD: I will go back to my question. Is it not a fact that before the International Joint Commission the United States does not accept Canada's claim to a right of absolute diversion and has not accepted Canada's claim to the right to do so without compensation?

Mr. STRAYER: I think that is fair.

Mr. MACDONALD: And to complete the line of questioning where I started, with Professor Cohen's argument, he has perhaps best described this position with regard to Canada's rights as an impasse.

Mr. STRAYER: Yes, a diplomatic impasse, I believe.

Mr. MACDONALD: And perhaps a legal impasse as well.

Mr. STRAYER: He goes on to say that he does not accept the American proposition.

Mr. TURNER: He admits it is heavily disputed by the United States.

Mr. STRAYER: Yes; but he says:

Yet the plain fact remains that however socialized our private tort law may have become so as to give *sic utera tuo* real force in the municipal law of recent decades, and however changed may be the climate of sovereignty in our time, it is doubtful nevertheless whether doctrinal development has reached the stage that has been urged by American defenders of their downstream position in the Columbia river.

Mr. MACDONALD: With regard to the compensation, he rejects what he calls Professor Bourne's interpretation of compensation.

Mr. STRAYER: Professor Bourne states it more forcefully.

Mr. MACDONALD: On page 19 of the brief, the part for which you are responsible, you take the position—and perhaps you will correct me if I do not state your position fairly—that under Article XVII, the equivalent of the treaty rights under the Boundary Waters Treaty are revived, and that this could be frustrated by the United States by cancellation with one year's notice. In other words, the right may be illusory because as soon as we indicate that we are going to make a diversion, they may remove the right by cancelling the treaty.

Mr. STRAYER: What time is this?

Mr. MACDONALD: After 60 years.

Mr. STRAYER: That is not entirely fair. They are entitled to do that before termination of the treaty by Article XVII (5), as I understand it, and as the presentation of the government of Canada explains on page 140.

Mr. MACDONALD: You are saying that even if we preserve our position under the Boundary Waters Treaty, then if we indicate we are going to make a diversion, the Americans may remove our right by cancelling the right on one year's notice?

Mr. STRAYER: Yes. They can prevent the revival of the Boundary Waters Treaty after termination of this treaty.

Mr. MACDONALD: Can they also frustrate diversion at this time under the Boundary Waters Treaty by the same type of cancellation?

Mr. STRAYER: Yes, but in a different context, I think.

Mr. MACDONALD: You said this morning that they could not do so for reasons of equities rather than for reasons of law.

Mr. STRAYER: No. Perhaps you misunderstood what I said or perhaps I said it badly, and if I did I apologize. When I intentionally spoke of equities I was speaking in terms of international principles of equitable apportionment. Perhaps "equities" was a misleading term because it brings up visions of chancery and things of that sort. What I meant was that, because of the facts which would exist in the year 2024 or 2025 and as a result of the principles which the United States government asserted in the memorandum to which I referred in my brief, Canada would be at a greater disadvantage since by that time greater use would have been made of the Columbia river by the U.S. and Canada in the sixty year period would not have made these diversions.

In deciding what was an equitable apportionment an international tribunal would have to take into account the stage of development in Canada and the United States. It would have to take into account the number of persons and industries in the United States who were dependent upon this water and had been dependent upon it for some time. It would have to take into account the fact that any Canadian development would be in the future only and the benefits would be prospective and not vested. That is what I meant when I said the equities would run against us.

The reason this is different from the present situation is that even if the United States right now gave notice that it was terminating the 1909 treaty, I assume, we would be in a better position to make diversions, or to make it known that we were going to divert, let us say, 5 million acre feet to the South Saskatchewan river. When the Canadian section of the joint committee was discussing the proposal of the Fraser diversion they were talking in terms of 15 million acre feet. I take it to be General McNaughton's position that this diversion could be carried out without injuring Grand Coulee. If a 5 million acre foot diversion could have been carried out I assume that a 5 million acre foot diversion might be carried out now, and that is why we are going to be prejudiced 60 years from now. The facts will have changed.

Mr. MACDONALD: If the United States wants to take exception to a diversion either now under the Boundary Waters Treaty or under this revised statute in 60 years time we are going to be faced with legal arguments once they cancel the Boundary Waters Treaty and this will have to revert to customary international law, such as it will be.

Mr. STRAYER: Our position will be much better now than in 60 years, I assume.

Mr. MACDONALD: You are looking forward 60 years, are you?

Mr. STRAYER: I do not know that I shall be around to argue the point but perhaps you will.

Mr. MACDONALD: I have one final question and perhaps I should change to some word other than equity. Would the term "sound diplomacy" used to indicate the extra legal factors that might prevent us from exercising our rights be a fair expression?

Mr. STRAYER: Do you refer to preventing us from exercising our rights now?

Mr. MACDONALD: Yes, I am referring to our rights now or in the future. Perhaps I could put it in the context of my question. As I understand you and your brief, whatever the right is, as a matter of law we would be prevented through diplomatic reasons from exercising those rights by reason of the fact that the totality of our relationship with the United States may be such as to prevent us from exercising certain rights. You are suggesting that that kind of thing may be present in 60 or 70 years time when the treaty is terminated. Am I interpreting you correctly?

Mr. STRAYER: Yes, I think that is correct. I feel that diplomatic objections would be far stronger and far more persuasive in 60 years time than they would be today, albeit there is clearly every right of diversion under the 1909 treaty. Nevertheless, Canada has been able to make use of this right, which it has claimed with, I think, commendable effect. I may be misinterpreting events but I take it this had a considerable effect in the negotiation of this treaty whereby the downstream benefits were to be shared. I am saying that our diplomatic position is much better now than it will be in 60 years' time when the carrying out of this diversion may create far more harm in the United States northwest than it would create today.

Mr. MACDONALD: Suppose we put in the specific terminology you have asked for in your conclusion; is that not also subject to this same weakness that diplomatic pressure may prevent us from exercising our rights?

Mr. STRAYER: That is somewhat to despair of lawyers and the law, Mr. Macdonald. If you put this in the treaty, then I assume that the right can in the final analysis be exercised. There may be reasons why you do not exercise it but you have the right, and you are negotiating from a position where you have that right. I take it that has been Canada's position in negotiating this treaty.

Mr. MACDONALD: However specific you make it, in the long run diplomacy may prevent you from exercising your right?

Mr. STRAYER: That is a possibility.

Mr. MACDONALD: Thank you very much.

Mr. DAVIS: Mr. Chairman, I should like to concentrate my questions in respect of the economic and technical areas, and hence direct them primarily to Mr. Cass-Beggs and Mr. MacNeill.

Mr. TURNER: Mr. Chairman. I just wonder whether we should continue to ask questions in respect of one subject before moving to another. I thought we decided to attempt to finish one subject before moving to another.

The CHAIRMAN: Is that suggestion agreeable?

Mr. TURNER: I do not have too many questions and will not take too much time.

Mr. STRAYER I do not want to labour the question of your qualifications and I am only challenging them in a way to help the committee assess the value to be placed on your testimony as we did in respect of the value to be placed on the testimony of all the professional witnesses who have appeared before this committee. I understand you said in answer to Mr. Macdonald that you have not published any papers in respect of public international law?

Mr. STRAYER: I said that, yes.

Mr. TURNER: You are not the lecturer on public international law at the University of Saskatchewan?

Mr. STRAYER: No.

Mr. TURNER: Your academic preparation in international law took place at Oxford pursuant to your studies for your B.C.L. degree?

Mr. STRAYER: Yes, plus my undergraduate studies at the University of Saskatchewan.

Mr. TURNER: That was a general course in public international law at the University of Saskatchewan?

Mr. STRAYER: That is correct.

Mr. TURNER: That was given in the course of the international public law study toward the B.C.L. degree. I understand there are seven papers you have to write and you take this course in two or three years; is that right?

Mr. STRAYER: Yes.

Mr. TURNER: Did you take yours in two or three years?

Mr. STRAYER: I took mine in two years. In fact, Mr. Turner, no one can take it in three. You take it in either one or two years, and as a scholar from overseas I took it in two years, if that is of any importance.

Mr. TURNER: You took your course in two years so you had seven examinations to prepare for and write within the two years in respect of public international law, being one of the options you were allowed; is that right?

Mr. STRAYER: I think we have been over all this information.

Mr. TURNER: Would you consider the writing of that one paper as constituting what the Chairman referred to as a speciality in international law?

Mr. STRAYER: I would say no because I am not going to claim that I am an expert or specialist, but I should like to amplify my answer. I would say there are a number of issues involved in this problem, the most fundamental of which is the simple interpretation of a document. When you consider that question I feel I have some qualifications apart from my academic studies, having spent eight years in the university most of it in law, having drafted a number of statutes and regulations, and I have had occasion to argue in the various courts of Canada including the Supreme Court of Canada in respect of questions involving statutory and constitutional interpretation. I teach a class, which involves statutory interpretations, and I teach constitutional law which is, as you know, a course which involves a great deal of statutory interpretation. Therefore I feel that I have some qualifications at least to express an opinion on the meaning of words.

Mr. TURNER: You are referring to the domestic or constitutional field but not necessarily to the public international law field?

Mr. STRAYER: In this case I would refer you to my studies at Oxford again.

You asked about my course at Oxford. While I do not remember each and every detail of it today it was divided into three parts, one third of which had to do with treaties and interpretations thereof. I feel I have been introduced to the essential elements of this field and think that anyone who has an academic curiosity to pursue the subject can through research find the related material to assist in the interpreting of a treaty.

Mr. TURNER: Does not Professor Waldo consider that course to be an introductory course?

Mr. STRAYER: I do not know what it is introductory to, because it is the final course you can take in international law. There are undergraduate courses in international law but the B.C.L. course is given for graduate students.

Mr. TURNER: It is a general course, is it not?

Mr. STRAYER: It covers three very specific fields and is not a general course in public international law in the usual sense.

Mr. TURNER: It does not involve your writing a thesis, does it?

Mr. STRAYER: No.

Mr. TURNER: On your return from Oxford and prior to your work for the Saskatchewan government on this particular problem in respect of the Columbia river treaty have you done any work involving public international law?

Mr. STRAYER: No.

Mr. TURNER: This is the first time you have had to apply your professional qualifications in respect of a matter involving public international law in Canada; is that right?

Mr. STRAYER: Yes.

Mr. TURNER: In respect of the question of diversion for consumptive use and whether that diversion for consumptive use permits incidental use for hydroelectric purposes, do I understand your position to be that if there are hydroelectric purposes even incidental to a primary consumptive purpose that would not qualify under Article XIII (1) of the treaty?

Mr. STRAYER: Yes, that is my position.

Mr. TURNER: I should like to hear your views in this regard. If it could be established in any particular case that the legitimate purpose for a diversion was in respect of irrigation, which is a consumptive use, and once that was established there was an incidental hydroelectric use made of that water, is there anything in the treaty which you can point out to me which would interfere with or allow any court to go further than reading the primary use or purpose of that diversion?

Mr. STRAYER: Yes. Article I (1) (e) defines consumptive use and excludes use for hydroelectric power.

Mr. TURNER: If the primary use is a consumptive use for irrigation, would it be disqualified?

Mr. STRAYER: You have introduced the word "primary". That word does not appear anywhere in the treaty.

Mr. TURNER: Surely there are primary uses and incidental uses? If the legitimate use was established to be for irrigation purposes in respect of a diversion from the Columbia to the Saskatchewan, if you will, where in this treaty or in the interpretive allowances given to lawyers is there anything which would allow a lawyer to look beyond the primary purpose of irrigation for that diversion contaminating the diversion with an auxiliary purpose and disqualifying the diversion under Article XIII?

Mr. STRAYER: As I said before Article I (1) (e) would have this effect. If I were permitted to question you I would ask where the treaty says anything about primary or secondary purposes, or purposes at all. The treaty speaks in terms of particular uses. I think you could understand the whole distinction if you considered the whole purpose of Article XIII which, as I have suggested, was to keep this water in the Columbia basin. It was the scheme of the Columbia treaty, I suggest, to permit only those hydroelectric developments which the treaty contemplates. Here the water is not going to be diverted out of the basin. It is going to be diverted within the basin for certain purposes. Apart from that the use of the water for consumptive use is limited to the basin and is not for hydroelectric purposes.

Mr. TURNER: You are suggesting, therefore, that if we had a diversion for the purpose of irrigation and that somewhere along the course of that diversion there was erected one hydroelectric station or power unit that diversion would be disqualified even though its main primary legitimate purpose was consumptive and not hydroelectric power generation? Would such a diversion be disqualified under Article XIII (1)?

Mr. STRAYER: Yes. That is not as ridiculous as you could make it sound because if, as I suggest, the purpose of Article XIII is to keep the water in the basin, then this problem does not arise for the reason that the hydroelectric developments in the basin are in fact provided for by the treaty.

Mr. TURNER: I have no further questions.

Mr. DAVIS: I should like to ask a supplementary question. Let us leave aside the question of whether or not there is a right to divert out of the basin and concentrate exclusively on the matter of use. Mr. Turner has mentioned one isolated instance of a hydroelectric plant but let us assume also that that plant is capable of making up only a small part of the necessary power to carry out the diversion; in other words, on balance the power operation is an input. Would you consider that a use which would defeat our right of diversion?

Mr. STRAYER: Do you mean there is no net power production?

Mr. DAVIS: There is no net power production. In other words, the inputs in the total diversion are substantially in excess of the outputs. You perhaps might have built a tunnel but you preferred to use the device of pumping the water up and recovering some of the energy needed at another point.

Mr. STRAYER: You suggest that you generate hydroelectric power with that water?

Mr. DAVIS: Yes, but generating less than you are absorbing. You do not have this diversion for this purpose and it is only incidental to the diversion.

Mr. STRAYER: I think one would have to interpret Article I (1) (e) as I suggested this morning. The treaty permits diversion for stock water, irrigation or mining but does not necessarily require that you do any of those things profitably.

Mr. GELBER: Do I understand that if water is diverted outside of the basin for consumptive purposes and employed for that purpose to the extent of 100 per cent, then it comes within the terms of the treaty and protocol?

Mr. STRAYER: Are you referring to a diversion out of the basin?

Mr. GELBER: Yes to be used 100 per cent for consumption purposes.

Mr. STRAYER: In our submission this is not possible under the treaty because Article XIII really does not contemplate that.

Mr. GELBER: The water is used in my hypothetical case for consumptive purposes.

Mr. STRAYER: Yes. It is our submission, based in part on the statement which was signed by the negotiators and which was accepted by the government of Canada, that it was never intended that Article XIII should permit diversion out of the basin for consumptive or other uses.

Mr. GELBER: In spite of what the protocol says.

Mr. STRAYER: All the protocol does is to confirm there is a right of diversion for consumptive use; it does not say where.

Mr. HERRIDGE: May I ask a supplementary question?

The CHAIRMAN: Mr. Herridge.

Mr. HERRIDGE: In view of the question raised when Mr. Brewin presented a document to you to assist you in a quotation which you required at that time, do you know that Mr. Olson and Mr. Kingstone—

The CHAIRMAN: Mr. Herridge—

Mr. HERRIDGE: —legal officers of the Department of Northern external Affairs and National Resources—

The CHAIRMAN: Please, Mr. Herridge.

Mr. HERRIDGE: —have been giving Mr. Turner information—

The CHAIRMAN: Mr. Herridge, please.

Mr. HERRIDGE: —in respect of your qualifications?

Mr. TURNER: On a question of privilege, Mr. Chairman, my questions as to Professor Strayer's qualifications were questions asked for information only, and I had no prior knowledge from anyone until he testified this morning of where he went to university nor of what he had done. As a matter of fact, my questions were purely what Mr. Brewin and I would call "fishing" questions. In other words, I did not know the answer before I posed the question. For that reason I resent the remark very much, Mr. Chairman.

Mr. DAVIS: I still have a supplementary question before I go on to my main line of questioning.

Again leaving aside the question whether or not we divert out of the basin, concentrating on the uses, I see one of the permissible consumptive uses is industrial use. Let us conceive of a pulp mill using water which has been diverted.

Mr. STRAYER: Yes.

Mr. DAVIS: It uses it to make steam. The low temperature steam is used to make some electricity. Is this out?

Mr. STRAYER: That would be thermal production of power.

Mr. DAVIS: In other words, you can produce electricity but in your view not hydroelectricity?

Mr. STRAYER: It says "hydroelectric power" in 1 (1) (e), and I assume that refers to the operation of turbines.

Mr. DAVIS: This is a moot point. It could be produced by water in the form of steam, but I assume it is commonly from water and not from the use of steam. In other words, this could be a rather fine point in respect of the production of electricity.

Mr. STRAYER: Yes, I understand. I understand that in the water laws, in the prairies at least, this sort of use would be considered an industrial use.

Mr. DAVIS: Yes, I agree it is an industrial use. As I said previously, I would like to concentrate my questions on the economic, technical and legal area.

The CHAIRMAN: There is a supplementary question. I would ask members to be as silent as they can because I know the reporting staff have quite a problem in this room.

Mr. BREWIN: I have a supplementary question.

The CHAIRMAN: Mr. Brewin.

Mr. BREWIN: I think Mr. Klein has a supplementary, too.

The CHAIRMAN: I will recognize Mr. Klein's supplementary question after yours.

Mr. BREWIN: I would like to get clear in my mind one of the distinctions I think you make. I think I, and perhaps some others, had rather loosely said that you refer to consumptive purpose, which would involve some examination of the intentions of the purpose involved. The phrase used both in the treaty and in the protocol is "consumptive use". In the determination of "use" is there any need to inquire into purpose or motive or profitability in order to determine what is the use?

Mr. STRAYER: I think "use" is a more particularized word than "purpose"; "purpose" implies to me over-all objective. The phrase "use for generation of hydroelectric power" seems to me narrow, referring to a specific employment of the water.

Mr. KLEIN: Continuing along the line of question that Mr. Turner put to you with respect to the diversion for consumptive use, let us say that the consumptive use was irrigation, a use that was acceptable under the terms of the treaty and in the course of which hydroelectric power was generated—

Mr. STRAYER: Yes.

Mr. KLEIN: Would not the principle of whether or not this hydroelectric generation causes prejudice be taken into consideration in any form of law, international or domestic? In other words, if it did not cause a prejudice would you say hydroelectric power could be generated in those circumstances?

Mr. STRAYER: That seems to be a very sensible approach, but the treaty does not really provide that.

Mr. KLEIN: I am speaking of ordinary law, whether it be international or domestic. I think the test is: does it cause a prejudice or not? Would that be a test?

Mr. STRAYER: If we did not have the specific words and definitions in the treaty I would agree that that might well be relevant; but the treaty does not say that, and I think the treaty is specific enough on this matter to prevent this use. As I have suggested to Mr. Turner, this is not as extreme or far-fetched as it might seem if you interpret article XIII as being designed to keep the water in the Columbia basin.

Mr. TURNER: That interpretation of keeping the water in the Columbia basin is from the two notes to which you referred.

Mr. STRAYER: It seems to me that is the most rational way of interpreting article XIII.

Mr. TURNER: Those are accessory efforts or travaux preparatoires, are they not?

Mr. STRAYER: The latter part is—the report of the negotiators.

Mr. TURNER: And the travaux preparatoires are only relevant if there is any ambiguity on the face of the treaty and protocol.

I am interested to know why you feel that article XIII (1), on its face, and article VI (1) of the protocol can be construed as in any way limiting the diversion within the Columbia basin. Surely the diversion used in both those articles—article XIII (1) of the treaty and article VI (1) of the protocol—is in categorical terms—diversion without any limitation. Where is there possibly any ambiguity to open up any interpretation from travaux preparatoires?

Mr. STRAYER: I would like to make two points, Mr. Turner. First, the better view of the international tribunals and the international legal writers

some of whom I have cited in my brief, seems now to be that you need little or no ambiguity to resort to travaux préparatoires. Lord McNair, whom Mr. Macdonald was citing and whom I have cited in my brief, says—and this is Lord McNair who was formerly the president of the International Court of Justice:

—while a term may be “plain” *absolutely*, what a tribunal adjudicating upon the meaning of a treaty wants to ascertain is the meaning of the term *relatively*; that is, in relation to the circumstances in which the treaty was made, and in which the language was used.

I suggest in the first place that you do not have to have any serious ambiguity before resort may be had to travaux préparatoires. Secondly, I suggest, and I have suggested in the brief, that if you read article XIII (1) in context—and by context I mean in terms of the definition and in terms of the rest of article XIII, which I think is open to anyone interpreting this treaty—then you are left with an absurdity if you take the position that “diversion” means “diversion out of the basin,” and therefore I think you have every justification for looking to travaux préparatoires.

Mr. KLEIN: Do you conceive in a situation in which hydroelectric power was generated and did not cause a prejudice that any court or even the United States itself would press such a thing?

Mr. STRAYER: I think the United States would object to that or might very well object. As we have suggested in our brief, a diversion for purposes other than hydroelectric power would not be economically practical. It is not beyond the realm of possibility that if the United States contemplated any such diversion being made at all, they may equally have contemplated that such a diversion would be impractical if hydroelectric power were generated. If it is their view that there should not be such a diversion, then they might very well object to that diversion being used for hydroelectric purposes because it would make the diversion feasible.

Mr. KLEIN: I am not asking that question; I am saying, assuming the diversion were made for irrigation purposes and it could be proven beyond doubt that the incidental generation of hydroelectrical power in the course of the diversion did not cause a prejudice to the United States, assuming that situation, do you think the United States would still pressure for the strict interpretation of the treaty?

Mr. STRAYER: I think it is very possible, sir; and I think so for the reasons which I have suggested.

Mr. KLEIN: Do you not think her position would be very undiplomatic?

Mr. STRAYER: As I have suggested, they could point back to the treaty, and if they are insisting on their rights under the treaty I suppose one could not characterize that as being undiplomatic.

Mr. KLEIN: As a person qualified in law, as you are, sitting in judgment on a thing like that, would you accede to the United States position or to such an amendment?

Mr. STRAYER: I think I should have great difficulty in avoiding the express language of the treaty combined with the material which we have referred to in the brief, the background material.

Mr. BREWIN: May I ask a supplementary question?

The CHAIRMAN: Mr. Brewin.

Mr. BREWIN: In connection with Mr. Klein's question, if the incidental diversion caused no possible prejudice, would that not be a situation in which we could assume that one could obtain the consent of the other party to an exchange of notes, which is specifically provided for in article XV (1)?

Mr. STRAYER: Yes, I should think it would be possible that, if it were a diversion which the United States would not suffer from in any way or would not consider that it was going to suffer from, it would be prepared to give its consent under article XIII (1).

Mr. BREWIN: Then, if that is so, is there not something to be said for seeking to get that consent to these incidental diversions by an exchange of notes before the treaty is signed so that we know where we stand on this issue.

Mr. STRAYER: Yes, we have suggested this in our brief, of course, and if as Mr. Martin has suggested and if as Mr. Macdonald has suggested there is some tacit agreement on this point, then it strikes me that we should safeguard our position. If there is no tacit agreement—and there has been no real evidence that there is—then the sensible thing to do would be to get the consent under XIII (1) at this point; and this is something which can be done pursuant to the treaty. It is something contemplated by the treaty and does not involve any basic alteration in the treaty.

Mr. KLEIN: I do not agree that the question I put would be one that would ordinarily fall under article XIII (1). I was thinking of a case where the original diversion was made for a consumptive use and perhaps operated that way, let us say, for five years. Then in the sixth year it was decided to generate hydroelectric power which would not cause a prejudice. I would say that the United States, in my opinion, would not press for it and if she did press for it I do not think a court would entertain her claim. If she did press for it, then article XIII (1) would put the United States in a very difficult position, would say.

Mr. STRAYER: I am sorry if I misunderstood your question.

Mr. KLEIN: I did not say you misunderstood my question I think Mr. Brewin misunderstood my question.

Mr. TURNER: I do not think he did at all; I think he used it!

Mr. STRAYER: For our purposes, this situation may not be too relevant because if we were to carry out the sort of diversion which is suggested in our brief as a possibility, there would be an immediate use of water for generation of hydroelectric power. This would arise when the water was pumped over the mountains and down the other side. It would arise as soon as that water was introduced into the Saskatchewan system because there are existing plants on that system which generate power. While your point might be valid under other circumstances, I think it is possibly not relevant to our purposes. That I agree that the United States might be in a weak diplomatic position, but I am not prepared to concede that her legal rights would be altered.

Mr. KLEIN: We are still speaking of a case where there is no prejudice.

Mr. STRAYER: A case where there is no prejudice, yes.

Mr. KLEIN: You are still speaking of that?

Mr. STRAYER: Yes.

Mr. KLEIN: Are you not taking the position—or is the province of Saskatchewan not taking the position—that British Columbia should forgo the advantage which she may foresee in this treaty today in order to permit the province of Saskatchewan certain advantages which it may not require for 40 years or 50 years or 100 years, or may never require.

Mr. STRAYER: No, I would not agree that that is our position. I think my technical colleagues can elaborate more fully on the effect which our diversion would have on the treaty scheme and on British Columbia generally.

The CHAIRMAN: Gentlemen, without prejudice to Mr. Klein's question, I think we are shifting now from the legal interpretation. If I am wrong, I want to be corrected by the members of the committee.

Mr. TURNER: It is a very good question, as Mr. Brewin said, and I wonder if the witness could just finish his answer to this and then revert to the other subject.

Mr. STRAYER: I will try to make it as short as possible.

They can elaborate on this, but I do not think it is fair to say it would force British Columbia to give up everything she is going to obtain under this treaty. I do not think that is fair at all. What is more, of course, our brief suggests this diversion would be desirable in 40 years and, as Mr. MacNeill stated this morning, our estimates are extremely conservative, so I think it is not something which is as indefinite or far in the future as you suggest.

However, there is an element of national interest involved here and an element of national development which I think cannot be left entirely in the hands of British Columbia. The federal government does have certain rights in this field, and if the sort of scheme which we have suggested should become feasible and desirable and the federal government saw fit to support it, then I think the federal government could exercise some responsibility in the matter and carry out this diversion. In other words, I suggest it is not 100 per cent a question of British Columbia alone; I suggest there are other interests outside British Columbia.

Mr. KLEIN: On the assumption that this treaty were not entered into and Saskatchewan required or requested this diversion from British Columbia, would British Columbia be obliged to allow the diversion? Or could British Columbia refuse the diversion?

Mr. STRAYER: She could refuse the diversion. Under existing British Columbia law we would have no standing to apply. The government of Canada, however, under British Columbia law has standing to apply for British Columbia waters.

Mr. HIDASZ: May I ask a supplementary question?

The CHAIRMAN: Dr. Haidasz.

Mr. HIDASZ: Has either the Saskatchewan Power Corporation or the government of Saskatchewan applied to the government of British Columbia for a Columbia-Saskatchewan diversion?

Mr. CASS-BEGGS: No, no formal application has been made to British Columbia. The government of Saskatchewan has no footing on which to make such an application.

The government of Canada has, and the government of Saskatchewan has submitted to the government of Canada its interest in this matter, with the expectation that the government of Canada would look after Canadian interests and would be or could be in a position to make application to British Columbia for such a reservation of water.

Mr. HIDASZ: Did the government of Saskatchewan make this request before the signing of the treaty in 1961?

Mr. STRAYER: No.

Mr. DINSDALE: Now that we are in this area, may I be allowed a supplementary question?

The CHAIRMAN: I am wondering how supplementary we can become. We are wondering pretty far away from the legal interpretation of the statute. I wonder, Mr. Dinsdale, whether this is supplementary to what we have been discussing in a direct sense; if it is, would you ask your question, and if not, would you forgo it?

Mr. DINSDALE: Could Mr. Cass-Beggs indicate whether this matter has been referred to the prairie waters conservation board? I ask this question, because it seems to me that a concerted appeal from the board to the federal authority would be much more effective than the appeal of one province.

Mr. CASS-BEGGS: May I answer that the Prairie Provinces Water Board certainly is aware of the proposals which Saskatchewan has made. Direct discussion on the matter has taken place at a conference of the minister responsible for water in the three prairie provinces. They are now in the process of setting up a study on water supply for the prairie provinces, including diversions and conservation works which may increase that supply. No formal request has been made to the prairie Provinces Water Board on the matter so far as I know.

Mr. DAVIS: Perhaps I can—

Mr. WILLOUGHBY: May I ask a question relating to this? This is a field which we have been endeavouring to explore and we are in it now.

The CHAIRMAN: I do not want to get off on to another subject.

Mr. DINSDALE: We got off before.

The CHAIRMAN: I am sorry. I am afraid I have been a poor Chairman.

Mr. WILLOUGHBY: What power has the dominion government to tell British Columbia they have to divert water to the prairies, if they can use it for their own purposes?

The CHAIRMAN: I presume that question is directed to a lawyer.

Mr. STRAYER: I suggest there are various grounds for jurisdiction of the dominion authorities. First there is the so-called general power of Canada regarding peace, order and good government of Canada. This deals with matters which lie basically outside the authority of the provinces. Now, it is true that British Columbia has a proprietary and legislative right in this field, because the crown in the right of the province of British Columbia owns the rivers. However, I am suggesting that when you get a matter which involves the national interest or the interest of a large region of Canada then this is a matter which goes beyond provincial jurisdiction and enters into the federal jurisdiction under the power with regard to peace, order and good government under section 91 of the British North America Act.

Mr. GELBER: In this case, do you think peace, order and good government applies?

Mr. STRAYER: I think it is a possibility. There are other possibilities. Section 92, 10 (a) of the British North America Act excludes from provincial jurisdiction works and undertakings connecting one province with another. Canals specifically are referred to. If a diversion system were built, it would be a work or undertaking connecting one province with another. Under section 92, 10 (c), the dominion government has power to declare works to be for the general advantage of Canada. They have so declared all the grain elevator in western Canada to be works for the general advantage of Canada. This would be another possibility.

I might just add that when the International River Improvements Act was passed in 1955, various federal ministers gave what I thought was a very convincing argument in favour of federal jurisdiction. The most convincing argument, I think, was given by the Hon. Jean Lesage who argued in favour of the power of the Dominion of Canada to pass that legislation.

Mr. WILLOUGHBY: Do I understand from that that British Columbia would not be allowed compensation for loss of water which they might use for their own irrigation and for loss of power they would suffer?

Mr. STRAYER: I am not suggesting that. I think ideally this whole thing would be worked out by agreement, but if the dominion decided to exercise this power, certainly the appropriate thing to do would be to provide compensation to British Columbia. We never suggested anything to the contrary.

Mr. STEWART: On what cases decided by the courts would you base a request that the peace, order and good government clause be used for intervention by the federal government into the use of the waters within the province of British Columbia?

Mr. STRAYER: Naturally, there are not any cases directly on the point, because this particular problem has not arisen. I think there are a number of cases indicating a trend in favour of the peace, order and good government clause, such as the Canada Temperance Federation case of 1946, the Johansson case of 1952, and I think it is implicit in the decision of Chief Justice Lett in the British Columbia Electric case that there must be some authority because he said the province could not deal with the British Columbia Electric since it connected one province with another.

Mr. DINSDALE: I would like to ask the witness whether he is aware that parliament repudiated the Lesage thesis of 1955. Parliament rejected it.

Mr. STRAYER: You refer to the fact that they deleted the section that these river improvements be works for the general advantage of Canada?

Mr. DINSDALE: Yes.

Mr. STRAYER: I was aware of that, but I think they must have passed this act on the assumption they had some other jurisdiction over these rivers.

Mr. GELBER: On an earlier point made by the witness, he said this difficulty with the United States, which he sees in these agreements, could be straightened out by an exchange of notes between the two governments. Does he realize he is putting his judgment on the efficacy of such a solution against the judgment of the Secretary of State for External Affairs who conducted these negotiations, and who feels it would be a dangerous course to follow.

Mr. STRAYER: The Secretary of State for External Affairs stated we have the right of diversion.

Mr. GELBER: The Secretary of State for External Affairs was asked in this committee, on a matter of clarification, whether we should not press for further clarification and he said that he thought it would be dangerous to open up the whole area of discussion, and that his view was that we had the right to divert, and he stated this repeatedly, not just at one time. He repeatedly stated that there had been no contradiction on the United States side. Yet you feel, despite the judgment of the Secretary of State for External Affairs that this matter should be pressed, and that we should still press it. That is my understanding of your position.

Mr. STRAYER: I understand the Secretary of State for External Affairs to say the treaty ought to be accepted in its entirety or rejected.

The CHAIRMAN: That is not the question asked. Maybe you would repeat it.

Mr. GELBER: I believe the question was raised by Mr. Brewin. He asked the Secretary of State for External Affairs why he did not press for further clarification of this point which you feel excludes diversion. The Secretary of State does not feel as you do. He was asked why he did not press for clarification and he said he had stated Canada's view on a number of occasions, and he had not been contradicted, and by pressing for clarification he might do damage to the position rather than assist our position. That was his judgment, but it is not your judgment. Your judgment is that we should press for clarification.

Mr. STRAYER: Yes.

The CHAIRMAN: Mr. Brewin—

Mr. GELBER: I have further questions. I understand your position in the matter of diversion is that it is explicitly stated in this document of September 28, 1960. Is that the basis of your whole position?

Mr. STRAYER: Not the whole position, part of our position.

Mr. GELBER: The most explicit expression of your position.

Mr. STRAYER: Of one of our positions, the limitation on diversion out of the basin.

Mr. GELBER: Yes. Subsequent to that there was the treaty.

Mr. STRAYER: Yes.

Mr. GELBER: Article XIII?

Mr. STRAYER: Yes.

Mr. GELBER: Then in order to make it even more clear, in the protocol it makes this statement:

Canada and the United States of America are in agreement that Article XIII (1) of the treaty provides to each of them a right to divert water for a consumptive use.

Yet you go back to a note that was antecedent to these two documents, signed by the governments of the two countries.

Mr. STRAYER: After negotiations. The point of that protocol section, I think, is that because some concern was expressed in parliament and elsewhere because of the double negative in Article XIII (1), this paragraph was put in the protocol to state the right affirmatively.

Mr. GELBER: You do not question that this clarifies Article XIII (1)?

Mr. STRAYER: Not in any way that means anything to me.

Mr. GELBER: Do you think it was put in there to clarify it?

Mr. STRAYER: I think it was put in there to clarify it for the benefit of some person who felt the article as originally drafted was confusing because it contained a double negative.

Mr. GELBER: This specifically refers to that article. It is put in there to clarify that article of the treaty. There is no negative in this statement in the protocol; it is a positive statement. There is a right.

Mr. STRAYER: Our position has to do with the meaning of consumptive use, the same term used in the treaty and the protocol.

Mr. GELBER: That is another point. We then have the statement of the Secretary of State for External Affairs who has said that he made a positive statement in the course of negotiating the protocol to the American negotiators repeatedly and he was not contradicted. Your strongest position goes back to 1960.

Mr. STRAYER: That is like saying it would be better that you take my view of the law because it is stated today than to go back to a clear statute passed in 1960.

Mr. GELBER: This is not a statute of 1960.

Mr. STRAYER: It is a treaty.

Mr. GELBER: No. The treaty is later.

Mr. STRAYER: I am referring to the treaty of 1961 as interpreted by what I suggest is the most relevant document, and that is the agreement of the principles upon which the treaty was to be negotiated.

Mr. GELBER: Do you think that is stronger than the protocol?

Mr. STRAYER: I am not comparing the strength, but I am suggesting, with respect, that the protocol does not have anything to do with this particular point.

Mr. GELBER: It seems to me that it refers to that specific clause we are talking about in the protocol.

Mr. STRAYER: We are not quarrelling that there is a right for consumptive use. What we are concerned about is what "consumptive use" means, and where you can divert for consumptive use.

Mr. GELBER: In this statement here in the protocol, there is no restriction on where you can divert at all. There is no restriction on the word "divert".

Mr. STRAYER: When you read paragraph 6 of the protocol you are reading it in the context of Article XIII.

Mr. GELBER: My suggestion to you is that it specifically says you have a right to divert so long as it is for consumptive use, and there is no other restriction.

Mr. STRAYER: Well, I suggest that when you go to define consumptive use you are not going to use a different definition from that used in the treaty. I suggest they obviously are referring to consumptive use as defined in the treaty.

Mr. GELBER: But it does not say in the protocol that it has to be in the Columbia basin. It just says there is a right to divert. If there was a restriction on where you could divert, do you not think the protocol would have cited that restriction?

Mr. STRAYER: The protocol does not attempt to repeat everything in the treaty. It does not repeat the rest of Article XIII, or say anything about the Kootenay, or the Columbia, or the other.

Mr. GELBER: No, because it deals with XIII (1).

Mr. STRAYER: I should think that if paragraph 6 were intended to overcome this difficulty in respect of non-right of diversion out of the basin, it would have been drafted somewhat differently.

Mr. GELBER: I think it is perfectly clear. Of course I am not a lawyer.

The CHAIRMAN: Mr. Brewin?

Mr. BREWIN: Mr. Chairman, I realize the witness must be a little tired. He has been under a long examination; but some matters were raised which I think were very central in importance. I think Mr. Stewart originally raised this matter in respect of the constitutional jurisdiction. I am not asking you, Mr. Strayer, to comment on policy, but we have had the doctrine propounded here by a number of people, including, I think, the Secretary of State for External Affairs at one stage, in any event, that the federal jurisdiction with regard to international works on international rivers is a negative restriction, and a right to veto or prohibit, and that the province has a similar veto or negative right to step in and say no in respect of the development of the rivers by reason of its proprietary interest in the waters.

I would like you to comment on that view and give us your opinion about that situation strictly from the constitutional point of view.

Mr. STRAYER: First of all let me say, since Mr. Turner was concerned about my publications, I have an article coming out on some of these problems dealing in part with the British Columbia Electric case and so on. I am sure he will be awaiting it with great interest.

Mr. TURNER: Perhaps the witness could send me a complimentary copy.

Mr. STRAYER: I shall do so. I appreciate the statement has been made a number of times that the river is owned by the province, and that they have the ultimate say about what is done with it. I take it this is based on the fact

that under the British North America Act the provincial legislature has jurisdiction over Crown lands, among which are rivers and river beds. However I suggest there is federal power, and I could refer to it under various heads of jurisdiction. First of all, I suggest the peace, order and good government clause to be relevant. Where you have a situation creating concern to more than one particular province, and where you have an acute water shortage in the prairie regions, this is a matter going beyond the concern of one province. Therefore, the dominion would have authority under the peace, order and good government clause.

Also there is possible authority under section 92, 10 of the British North America Act, Clause (a), which gives the dominion authority with respect to interprovincial works or undertakings. A diversion scheme would be such a work; or under section 92, 10 (c) which gives the dominion authority to declare works to be for the general advantage of Canada.

Section 95 gives the dominion government jurisdiction with respect to agriculture. This has been interpreted to mean matters affecting agricultural production, and I suggest that irrigation is a matter greatly affecting agriculture production. Therefore, it could be put under dominion jurisdiction.

It strikes me that the dominion itself has been prepared to assert this authority from time to time, and this authority has been asserted not merely in the form of a veto. If you look at the International Rivers Improvements Act, which is chapter 47, of the Statutes of Canada for 1955, 3-4 Elizabeth II, Volume I, section 3, it says:

3. The governor in council may, for the purpose of developing and utilizing the water resources of Canada in the national interest, make regulations

- (a) respecting the construction, operation and maintenance of international river improvements;
- (b) respecting the issue, cancellation and suspension of licences for the construction, operation and maintenance of international river improvements;

"International river improvement" includes dams. With the reference to development and utilization of the water resources of Canada, it seems to be put in the form of positive power rather than a veto. I think the whole concept of the act is that the federal government might be able to promote one scheme as against another.

Mr. BREWIN: May I ask you if the federal government or power has any added jurisdiction to implement treaties? I know the privy council is somewhat limited in some respects, but could it be called in here at all?

Mr. STRAYER: I think there is a possibility of it. As members will appreciate, under Section 132 of the British North America Act parliament can override the provinces and normal provincial jurisdiction in order to implement treaties between the British empire and foreign countries.

In 1937 there was a case where the privy council said that section 132 could only embrace a treaty actually signed by the British empire and not by the government of Canada on behalf of Canada. The 1909 treaty is an empire treaty entered into between the British empire and a foreign country namely the United States. If you look at the Canadian legislation implementing that treaty, the parliament of Canada has in effect repealed expressly or impliedly any provincial laws which might interfere with the implementation of that treaty. Certainly in so far as parliament legislating in respect of that treaty is concerned, if it is legislation to carry out the 1909 treaty, the dominion can override provincial jurisdiction.

There are a number of legal scholars who have already argued that now that the empire seems to be decaying or at least that Canada is not a member of the empire as such, and now that Canada is not having her treaties signed by the British empire, there is a possibility that Canada can do the same thing, and that the parliament of Canada can do the same thing under the peace, order and good government clause.

I appreciate that this thesis was repudiated to some extent in the 1937 case. But I suggest that general power is in their hands and I think that it might also be used to give the parliament of Canada jurisdiction.

Mr. BREWIN: I am not asking you if it would be politically wise, but if the provincial government asserted the right to negative or veto—we have had that expression used—this particular project contemplated by the treaty, is it your view that from the constitutional angle the federal government could proceed as if it were a federal project?

Mr. STRAYER: You mean something like the Columbia river treaty?

Mr. BREWIN: I mean the Columbia treaty specifically.

Mr. STRAYER: Leaving the question of policy aside, I feel that the parliament of Canada could exercise jurisdiction here if they were prepared to do so.

Mr. STEWART: The witness has made various statements as to what he thinks the parliament of Canada could do in a rather complicated legal situation. But he has not given us very much specific legal documentation for his views. I wonder if he could go back and point out for the committee the argument behind his assertion that under the peace, order and good government clause as developed in the jurisprudence the federal government would have power to initiate a project for the development of the Columbia river involving diversion, let us say, across the mountains into the prairie provinces? I am looking for specific cases rather than for mere expressions of hope.

Mr. STRAYER: Well, as I suggested to you earlier, the authorities are sparse in this area, because this is not one which the parliament of Canada has explored to any great extent, as far as I know. Until we have had some experiment along this line we will not have any clear authority. But the best authority is a Supreme Court of Canada decision, *Johannesson versus West St. Paul*, a case which involved the validity of a municipal by-law which attempted to zone an airport or to prevent the establishment of an airport in a place where the government of Canada had granted or was about to grant a licence for its construction. The question came down to this: Could the parliament of Canada under the Aeronautics Act decide on a matter which seemed to be a question of municipal zoning? The Supreme Court of Canada upheld the parliament of Canada. This involved in part implementation of the Chicago aeronautics convention of 1946.

Mr. STEWART: Was the federal authority in this case initiating a new order, or was it in fact prohibiting something that some local municipal authority proposed to do?

Mr. STRAYER: I do not think it was doing either. The applicants applied for approval by the federal authorities for the location of an airport, but the municipality had passed a zoning by-law preventing the establishment of such an airport. The question was: Could the municipalities do this validly—the municipalities being an emanation of the provincial legislature—when there was apparently conflicting federal legislation? Now, as nearly as I can recall—I did not think this would be one of the major issues involved here today—the supreme court upheld the Aeronautics Act, and said it superseded the municipal by-law; that is, the relevant provincial legislation. They said that the Aeronautics Act could be upheld because this was a matter falling

under peace, order and good government of Canada. That is interesting from the treaty standpoint because previously there had been a so-called empire treaty governing aeronautics and a somewhat similar case had arisen back in 1931 or 1932 in which the Aeronautics Act was attacked and it was upheld there because it was implementation of the British empire treaty.

Mr. STEWART: Excuse me, Mr. Chairman; the matter of legislation for aeronautics is a particular topic which has been dealt with by statute and legislation going back prior to the 1937-37 jurisdictional dispute.

Mr. STRAYER: That is not entirely correct, sir.

Mr. STEWART: I am sure there has been discussion in the courts subsequent to that date, but this is a particular province of law that has been carved out and set aside. What we are dealing with here is a regiment of interpretations of peace, order and good government which have become narrower and narrower, and I think it is a pious hope to think you can found an initiation of a program such as that envisaged here on the shingle left in peace, order and good government. This is no cellar foundation whatsoever.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I thought members of the committee were supposed to ask questions, not to put on the record their opinions.

Mr. STEWART: I withdraw the question in view of Mr. Cameron's objection.

Mr. TURNER: I have a statement here by professor Bora Laskin, professor of constitutional law at the University of Toronto in a paper which he delivered before the "resources for tomorrow conference" in 1961 and with which Mr. Herridge was concerned. I have already quoted in the house on one occasion the product of my own private researches.

Mr. HERRIDGE: I give you credit for that on occasions, not altogether on this occasion.

Mr. TURNER: On page 215 of volume I of those proceedings this statement can be found. This is on water supply:

It is a safe generalization that the regulation and distribution of water resources in a province for domestic consumption or industrial purposes are within exclusive provincial competence. While some qualification has to be made, as for example, in respect of public rights of navigation or in respect of interference with federal property or competent federal law, it yet remains true that appropriation of water for private use is subject to definition by provincial law.

He then cites the case of Cook Vancouver before the privy council in 1914.

Mr. STRAYER: That is not entirely relevant. Cook and Vancouver deals with riparian rights and the Water Act.

Mr. TURNER: I am asking whether you agree with professor Laskin's interpretation of the case.

Mr. STRAYER: With the Cook case?

Mr. TURNER: With professor Laskin's interpretation of the case or with that statement as found in the article.

Mr. STRAYER: As far as it goes. It says:

—appropriation of water for private use is subject to definition by provincial law.

I do not find anything to quarrel with there.

Mr. TURNER: Is not the implication found there that the province has a prior right on the use of that water within its borders?

Mr. STRAYER: Where no other elements are involved. That is a possible situation. The situation which I was suggesting was a situation where there were other elements involved such as a widespread need for water, a need which was essential to the welfare of a large portion of the country. Professor Laskin also states the opinion, on page 218 of the same article—

Mr. TURNER: He is referring there to navigation which is a federal power.

Mr. STRAYER: He also says:

In what has gone so far, there has been no specific advertence to interprovincial and international rivers or to the federal declaratory power in respect of local works, and both these matters will be specially considered later on in this paper.

He deals later on with the question of interprovincial and international rivers and the power of the Dominion of Canada to declare works to be to the general advantage of Canada. He also refers to a dictum of Justice Duff in the 1929 Water Power case where he stated that a system connecting one province with the other would be clearly within federal jurisdiction.

Mr. TURNER: I take the burden of professor Laskin's article to be that the federal powers are very limited with respect to the supply of water.

Mr. STRAYER: You can also take it to mean that the provincial powers are very limited.

Mr. DAVIS: I would like to address my questions primarily to Mr. Cass-Beggs, but perhaps on some occasions to Mr. MacNeill.

Mr. Cass-Beggs, in making your case for the diversion of the upper Columbia into the prairies have you taken into account all the benefits and all the costs involved in western Canada or have you limited your calculations to the southern prairie region?

Mr. CASS-BEGGS: Our approach has been in terms of the southern prairie region. We have not argued that any particular diversion from the Columbia is entirely established as feasible on its merits or represents the most advantageous alternative. What we have claimed I think is that there is extremely good evidence that it is an important source of water for the southern prairie provinces, and we have asked that the opportunity to develop such a scheme should not be foreclosed at this stage by the terms of the Columbia treaty.

Mr. DAVIS: Is it part of the argument you are advancing that diversion for power purposes is important in that there will be a substantial excess of benefits over cost from power production? In other words, will it not make these other uses economically more feasible?

Mr. CASS-BEGGS: I think we have had a fairly extensive discussion on whether or not diversion is possible. To leave that aside, a provision to divert for consumptive use is, in the opinion of the government of Saskatchewan, inadequate in that it would be extremely expensive to divert water from any source for purely consumptive purposes if it were not possible to gain the additional advantages that may accrue from various angles, but particularly from power. This does not mean only from power used incidentally—from power, say, recovered to contribute toward the pumping: it means all benefits that can be secured from the volume of water diverted, using it in any possible way to help pay for the cost of the diversion. If these are added up, the projects become feasible. Without these rights the projects simply are not feasible, at least at the ordinary levels of acceptable water costs which apply

today. And, of course, our point is that this is the normal approach to a water diversion program. There are very few large scale water diversions which do not take into account all these benefits.

Mr. DAVIS: Then you are convinced that the power costs involved, for instance, in pumping the water up over the Rocky mountains from the western to the eastern slope and forgoing the power used on the western side, can be more than recovered from power benefits on the eastern slopes through the prairies.

Mr. CASS-BEGGS: Generally speaking, this is true. If one just takes it in terms of 13 billion kilowatt hours of pumping, in the one case I have cited here it is technically possible to recover 13 billion kilowatts on the other side which, at any rate, would cover a very considerable part of the operation of the project. This means that the scheme in itself would need no net power from outside. This is generally true of the Columbia diversions, and the lower pumping head is more advantageous in this respect.

We have also pointed out this does have incidental power benefits in that it represents a conversion of interruptable power to firm power. This has an immediate financial value. It represents a conveyance of power, if desirable, from British Columbia to the prairie provinces, which would provide a market for energy in British Columbia. And, it provides peaking capacity to which, again, a very considerable value can be attached.

Mr. DAVIS: Would you expect at the time this diversion takes place for consumptive purposes that basically there would be a power grid throughout western Canada and interchanges could take place in an east-west and west-east direction.

Mr. CASS-BEGGS: Yes, I think this is true.

Mr. DAVIS: In other words, it will be possible to look at the whole power picture through western Canada and judge whether this diversion basically produces power and is over-all beneficial or whether it is a power consuming scheme.

Mr. CASS-BEGGS: We have no thought that a scheme such as this would be considered in isolation. The whole point we are advancing is that it is not possible to tackle a single purpose separately and economically.

Mr. DAVIS: But your view is that the amount of power absorbed is not as great as the amount of power produced from a power point of view.

Mr. CASS-BEGGS: No. I think we are confusing the terms energy and power. Generally speaking, the amount of energy absorbed will be approximately the same as the amount of power generated up to the South Saskatchewan reservoir when power plants exist throughout the Saskatchewan system. Now, the energy produced below the South Saskatchewan reservoir by surplus water would be an increment of energy that would have a specific value. But, the term "power" used technically refers to the ability to generate energy in plants, and this has a separate value.

Mr. DAVIS: You would say the energy output of this scheme would be greater than the energy input?

Mr. CASS-BEGGS: No. I have claimed, in general, there would be sufficient energy generated to provide the energy required.

Mr. DAVIS: You are saying the output of energy benefits is greater than the amount of energy that this scheme absorbs?

Mr. CASS-BEGGS: This is true in one case and not in another, and it varies with assumptions. If this project was brought into operation by say, the year 2,000, I believe by that date every conceivable hydro plant will have

been built on the South Saskatchewan system and then the total energy from the water could be recovered. And, I would expect that in most of the projects the recovered energy would exceed the pumping requirements.

If the diversion were developed at an earlier stage this may not be true. But, there is a reasonable expectation that energy at least equal to the pumping requirements can be recovered. For example, take the 1,600 odd foot lift to divert water from the Kootenay through the Crownsnest pass; the 800 feet additional drop to the level of the Saskatchewan reservoir compared with the Columbia at that point would provide all the losses that would be involved in that pumping lift. You would have a ratio of 3 to 2 for head on the east and west sides respectively, which would give an over-all 66 per cent efficiency, which would represent a fairly standard engineering practice.

Mr. DAVIS: You are saying in the very long run that through full and ultimate development you will get more energy out of this diversion than you put into it?

Mr. CASS-BEGGS: I am not really making any claim because, as I pointed out, the energy aspect is not a fundamental issue. The fundamental issue is that this is not an extravagant scheme, so far as energy required for pumping is concerned because there is a feasible opportunity to get all the energy back again. But, the advantage of the scheme from the electric point of view is that the facilities required for this may serve a dual purpose, and the values of their other functions peaking capacity, the conversion of interruptible energy to firm energy each of these have separate values. One can find \$100 million in each of three aspects, which would cover the total investment in the project.

Mr. DAVIS: Perhaps I should put it another way. We are thinking of benefits and costs and referring to thermal energy. Do you think the benefits would exceed the cost in respect of this diversion scheme in the very long run?

Mr. CASS-BEGGS: Are you speaking of the benefits which will occur from electrical operation?

Mr. DAVIS: I am speaking of power in the sense of energy and excluding the other consumptive uses.

Mr. CASS-BEGGS: You are not talking about power in the sense of power.

Mr. DAVIS: All right, I will widen it to that if you wish; but you narrowed it down to energy a minute ago.

Mr. CASS-BEGGS: Well, if we take the electrical power and energy benefits only—that is, not taking any consumptive uses into account or any recreational or other incidental uses—there is a good deal of evidence to indicate that the scheme would break even; that is, the annual revenue would equal the annual costs.

Mr. DAVIS: You have said in your brief the amount of pumping power required to raise the water from the mountain trench to the height of land would be roughly equal to the total present sale of utility power in British Columbia. Is that right?

Mr. CASS-BEGGS: Yes, that is right. It probably would be one fifth of the sale of energy in British Columbia at the time the project would be developed.

Mr. DAVIS: But, it is a very large amount.

Mr. CASS-BEGGS: Yes.

Mr. DAVIS: Have you taken into account also the additional power or the power which would be lost by not sending that water down the main stem of the Columbia; in other words, the energy which would no longer be produced at Mica creek, Revelstoke canyon, Downie, Murphy creek and so on.

Mr. CASS-BEGGS: Yes; it is difficult to calculate precisely what this would be because it involves certain assumptions in respect of the development in British Columbia. But, in the calculation I presented here, there is a figure of \$6 million per annum as the compensation that would be payable to British Columbia for loss of energy at these plants. But whether this is sufficient I do not know. It is of that general order of magnitude.

Mr. DAVIS: In your view this could happen under a treaty in which it was possible to divert out of the basin for power purposes; is that correct?

Mr. CASS-BEGGS: Are you referring to this compensation factor?

Mr. DAVIS: I am referring to the calculation which you have made. In your view this diversion could only take place if we have the right to divert out of the basin for power purposes; is that right?

Mr. CASS-BEGGS: Perhaps I misunderstood the question.

Mr. DAVIS: I do not want to ask this question as a legal one but merely want to know the thinking behind the economic calculation.

Mr. CASS-BEGGS: The assumption I make throughout is that this is a co-operative project. If the government of British Columbia did not see in this a reasonable approach to the problems of western Canada, it could not likely be achieved. We are talking about the government that may exist in British Columbia in 25 years time as well as the other governments on the prairie provinces. There is now a great deal of co-operation between the western Canadian governments in respect of these matters. This co-operation is very well developed in the three prairie provinces, and favourable contacts have been made with the government of British Columbia, including, I hope, contacts that may lead to detailed studies in respect of diversions.

Mr. DAVIS: You would suggest that compensation be made to British Columbia for the loss of power which accrues because of this 6,000 cubic feet per second which is taken over the mountains?

Mr. CASS-BEGGS: Yes. There is no thought whatever that British Columbia would not receive full compensation for any loss that might be involved.

Mr. DAVIS: We are referring to power that would be lost because of this volume of water no longer dropping from the point of the diversion to the international boundary; is that right?

Mr. CASS-BEGGS: The compensation might take the form of the delivery of energy to British Columbia, but it could also take the form of other advantages which the scheme could have.

Mr. DAVIS: Have you taken cognizance of the fact that the water is still one thousand feet above sea level when it crosses the international boundary and that British Columbia could by diversion out of the basin drop the water all the way to the sea as an alternative?

Mr. CASS-BEGGS: It is quite possible that the government of British Columbia at the time this project may be developed would prefer to use the water for some other purpose, but the upper Columbia water cannot be diverted anywhere else to any advantage.

Mr. DAVIS: As I understand it, the proponents of this McNaughton plan and I hope you correct me if I am wrong, suggest that this water is essential to the economics of the diversion to the Fraser system.

Mr. CASS-BEGGS: This is a very small proportion of the flow of the Columbia at the point at which the Fraser diversion would be made.

Mr. DAVIS: I understand it is of the order of magnitude of the total flow of the Kootenay at the border. Would you agree with that?

Mr. CASS-BEGGS: Yes, but I believe at the point of the diversion to the Fraser the Columbia flows at something in the order of 40,000 cubic feet per second.

Mr. DAVIS: You are referring to the total flow at that point in the Revelstoke canyon. If you were the government of British Columbia at this future date would you not require a *quid pro quo* for this diversion and for this power that would be lost as a result of forgoing the dropping of the water all the way to the sea?

Mr. CASS-BEGGS: I do not think that question can possibly be answered. The British Columbia government may have a great deal of energy that it wishes to sell at that time. It might think that the market of 13 billion kilowatt hours of energy is a market very worth while. There are a great many factors which have to be taken into account. If British Columbia did in fact proceed with the diversion into the Fraser, then of course it might claim compensation. I do not have any evidence which leads me to think that the government of British Columbia would divert into the Fraser.

Mr. DAVIS: I think it follows that they would be forgoing an alternative, and when you forgo an alternative you demand some compensation; hence I am suggesting that the quantities of power involved are perhaps twice what you have indicated in your calculations.

I should now like to move to a consideration of a different subject.

Mr. CASS-BEGGS: May I comment in this regard? What we are asking the government of Canada to protect is the right to make this diversion. If the diversion were made under the terms of the 1909 treaty, no compensation would be paid to the United States. If the British Columbia government is bound by the Columbia treaty it will, I presume, have lost its right to divert water into the Fraser for hydroelectric power development. Therefore, it could hardly approach the prairie provinces for compensation for a right it had already lost.

Mr. DAVIS: Have you seen the evidence submitted to this committee by the Montreal Engineering Company, or have you by any chance had an opportunity of reading their brief?

Mr. CASS-BEGGS: I had it shown to me earlier this afternoon but I have not had a chance to read it.

Mr. DAVIS: Perhaps you might comment on the statement which appears in their summary at page V. I will quote the passage from the brief of the Montreal Engineering Company, which has studied this matter quite carefully.

Mr. TURNER: There is a division in the house, Mr. Chairman.

The CHAIRMAN: Do you think we can finish this one question before leaving?

Mr. DAVIS: I will quote the passage to which I have reference.

It is not feasible to divert the Columbia river to the Saskatchewan for the development of power, since it would first be necessary to pump the water about 2,500 feet up the west side of the Rocky mountains and then to pass it through powerhouses on the east side utilizing at least 3,750 feet of head before so much as recovering the power lost in pumping. To date only 865 feet of head have been developed on the east side. The maximum total head that could be developed would probably be less than 3,000 feet. Hence, any thought of diverting the Columbia river to the Saskatchewan river for economic generation of power can be dismissed as an impractical and unrealistic concept.

Mr. CASS-BEGGS: First of all the Montreal Engineering Company for its own purposes has chosen the highest lift of any scheme which was proposed, and has calculated, I think correctly, a 3,750 foot head that would be needed on the east side. If it had taken the smallest pump lift, which is of the order of 1,600 feet, this would fit in with the available head as far as the South Saskatchewan reservoir and any head developed below that would, of course, generate additional energy.

Mr. DAVIS: What do you mean by the term "for their own purposes"?

Mr. CASS-BEGGS: I take it they did this for the purpose of illustrating this point.

The CHAIRMAN: Gentlemen we will now adjourn until 8 o'clock this evening.

The Committee adjourned.

EVENING SITTING

THURSDAY, May 14, 1964.

The CHAIRMAN: Gentlemen, I see a quorum.

I beg to report that since my last announcement respecting communications I have received telegrams from the following:

R. Wolf et al, local 523, United Electrical Radio & Machine Workers of America, Welland, Ontario; J. Nagy et al, local 523, United Electrical, Radio & Machine Workers of America, Welland, Ontario; D. Nadeau et al, local 523, United Electrical Radio & Machine Workers of America, Welland, Ontario; V. Evans et al, local 523, United Electrical Radio & Machine Workers of America, Welland, Ontario; D. Kobelka et al, local 523, United Electrical Radio & Machine Workers of America, Welland, Ontario; P. Radmaker et al, local 523, United Electrical Radio & Machine Workers of America, Welland, Ontario; P. J. Lindsay et al, local 524, United Electrical Radio & Machine Workers of America, Peterboro, Ontario; Jake Rowley et al, local 524 United Electrical Radio & Machine Workers of America, Peterboro, Ontario; W. H. Burgomaster et al, local 534, United Electrical Radio & Machine Workers of America, Peterboro, Ontario; John Conway, president, local 514, United Electrical Radio & Machine Workers of America, Toronto, Ontario; S.C.M. Canada Ltd. employees, Toronto, Ontario; M. A. Gahagan et al, Workers Canadian General Electric, Peterboro, Ontario.

Mr. HERRIDGE: What is the general gist of the telegrams?

Mr. BYRNE: They are uniform in their message?

The CHAIRMAN: There are several of these which have the same message it appears. Pursuant to your earlier directions that I was not to report on any communications nor read out any more than one name per telegram, I merely told you that these telegrams had arrived. However, the telegrams are available to any member of the committee, and I would like to hand the file to Mr. Herridge.

Mr. HERRIDGE: I was just wondering what it was all about.

Mr. PATTERSON: I wonder if this is all spontaneous!

Mr. GROOS: There must be a group rate!

Mr. HERRIDGE: I was merely curious.

Mr. DAVIS: Before the break, Mr. Chairman, we were discussing certain conclusions which had been reached by the Montreal Engineering Company.

and submitted to this committee earlier. I pointed out that they appeared to clash head on with those submitted by the representatives of the province of Saskatchewan.

Mr. Cass-Beggs did say that one of the reasons for the difference was the purpose which Montreal Engineering had in reaching their conclusion, and I would like to hear from them what they think the purpose was. Were they looking at a different diversion? Were they using the same elevations? What is the purpose they had in reaching the conclusion?

Mr. CASS-BEGGS: I am not sure, of course, Mr. Chairman, what their terms of reference were. I do not know whether they were asked to look at any particular Columbia diversion or how they came to choose a diversion that required the 2,500 feet of pumping which is approximately the biggest pump lift of any of the nine or ten schemes that our consultants examined. I think it is quite fair to take the biggest pumping lift, perhaps, but it is equally relevant to take the smallest one. By taking the smallest, one could demonstrate that the energy recovered as far as the Saskatchewan reservoir would be sufficient to handle the pumping. If one took the biggest lift, it is not sufficient. There is no mystery about it.

Mr. DAVIS: What pumping lift do you assume in your brief?

Mr. CASS-BEGGS: I have taken the most extreme case—this one.

Mr. DAVIS: That is the 2,500 feet.

Mr. CASS-BEGGS: Yes.

Mr. DAVIS: Are you aware that Montreal Engineering similarly used the figure of 2,500 feet for pumping up to the crest of the Divide? In other words, our pumping figure is identical.

Mr. CASS-BEGGS: Yes, this is the same figure that I have used.

Mr. DAVIS: Did you make provision for various losses, losses which Montreal Engineering conclude are electrical, mechanical, hydraulic and operating losses? Did you make allowance for those losses?

Mr. CASS-BEGGS: Yes.

Mr. DAVIS: What is the order of magnitude of your estimate of losses, let us say, expressed in feet?

Mr. CASS-BEGGS: Roughly speaking 50 per cent additional head is required on the Columbia side.

Mr. DAVIS: So, you would not disagree that pumping plus losses would raise this lift to 2,500 feet plus half of 2,500, or up to 3,750 feet—that is on the negative side of the balance sheet, so to speak. Would you not also include losses in head or the loss in power?

Mr. CASS-BEGGS: No, this is a separate item which we have included separately in compensation on the assumption that there may be a compensation feature that the project would have to cover; but, of course, if this were provided for in the treaty there would be no need for compensation south of the border.

Mr. DAVIS: Yes, but I am not talking about south of the border; I am talking about compensations to British Columbia because they do not have a 6,000 cubic feet per second to drop from this point of diversion to the border; they forgo that.

Mr. CASS-BEGGS: My calculation has included a figure of, I believe, \$6 million for that compensation—\$6 million per annum. You will see set out in table 7 on page 78. The compensation to British Columbia is \$6 million; that is our estimate of the compensation. It is certainly a round figure estimate.

Mr. DAVIS: Thinking purely in terms of elevation, you concede at least that you would have to recover the equivalent of 3,750 feet of head and then you would have to make other provisions to compensate British Columbia. You would have to recover at least 3,750 on the other side in terms of head—the eastern slopes.

Mr. CASS-BEGGS: I am not quite certain what you are asking me to concede. We would have to recover this head in order to achieve what?

Mr. DAVIS: To recover the equivalent amount of energy. You pointed out quite clearly initially, I think, that we should concentrate on energy, so I am simply dealing in terms of the same quantity of water, and the only available here is the lift on one side and the drop on the other. I am suggesting the minimum lift is 3,750 feet. How many feet of head can you effectively utilize on the other side, the eastern side?

Mr. CASS-BEGGS: All told, there is 5,000 feet difference between Hudson bay and Glacier lake, and a considerable portion of this head will be developed if one is considering the total use of water for power purposes. If, of course, the water is diverted for consumptive uses, which obviously is the purpose, then to that extent the energy is not recovered and this is part of the cost of the water that is provided. I take it Montreal Engineering in this paragraph is looking at this for the development of power. The first two lines read:

It is not feasible to divert the Columbia river to the Saskatchewan for the development of power.

Incidentally, I agree it is not feasible; for this purpose alone it would be stupid. By taking this approach there is a 5,000 foot head available on the east side of the divide, of which probably 4.5 per cent is, in theory, capable of development. So, there would be a margin, possibly of as much as 1,000 feet that would still generate power and perhaps the whole of the head developed in the Nelson river. The pumping power could be recovered above Lake Winnipeg, shall we say, and the Nelson river energy would be added to this. I would be a rather unreasonable technique to adopt, simply to obtain that amount of power.

Mr. DAVIS: In other words, the diversion would not be carried out exclusively for the production of power. The production of power could not stand on its own feet.

Mr. CASS-BEGGS: Certainly.

Mr. DAVIS: It could not stand on its own feet.

Mr. CASS-BEGGS: That is right.

Mr. DAVIS: So you were not surprised at their conclusion, which amongst other things includes the statement it is safe to say this would require high development through a head 50 per cent greater than 3,750 feet on one side.

Mr. CASS-BEGGS: The 50 per cent feature is almost exactly in line with the Crippen-Wright figure, and I have no disagreement with that. Of course, this comment is not relevant to the Saskatchewan proposal at all, because Saskatchewan never put forward a proposal to use Columbia water exclusively for the production of energy.

Mr. DAVIS: Then what you are saying is that you hope to recover some potential part of the energy input necessary to make this diversion, but you do not make the diversion primarily for power purposes and, indeed, you do not make the diversion for power purposes at all, and power just is merely incidental to the diversion operation.

Mr. CASS-BEGGS: I have argued that there are power benefits. Your question is directed in terms of energy, and I have agreed that the energy developed

would be about the energy required to pump, and therefore there is no net energy requirement for the movement of the water across the mountains. However, we have argued that a multipurpose project has power benefits over and above the energy and these are the ones to which we attach very significant value and which help to pay for the project.

Mr. DAVIS: I would like to turn to the table appearing on page 62, which has been incorporated in the record of the committee. I would like to concentrate on the losses which occur, by using water for various consumptive purposes including irrigation, industrial and domestic uses.

About half way down the table you have the heading less return flows. These amounts appear to be in the order of 10 per cent of the total flow. Does this mean that only about 10 per cent of the water which is taken out of, let us say the South Saskatchewan for these various purposes, finds its way back into the South Saskatchewan further down?

Mr. CASS-BEGGS: The note No. 6 on page 63 reads:

In practice only return flows to or above the South Saskatchewan reservoir will be of significance. Figures are based on about 25 per cent of Alberta irrigation requirements.

The point is that if we are considering this water for consumptive use in the prairie provinces, certainly at the present time and so far as one could forecast, the lowest useful point of delivery of such water would be to the South Saskatchewan reservoir. From that point it can be diverted into Manitoba and it can be used in Saskatchewan. However, the water which returns to the river below the South Saskatchewan reservoir, apart from a possible function for sewage dilution, essentially would be lost, so your return flow is only credited in respect of the diversions above the reservoir.

Mr. DAVIS: Are you saying then that once these uses dominate, the amount of water available for, let us say, production of power downstream of the Saskatchewan reservoirs perhaps is reduced as much as 90 per cent?

Mr. CASS-BEGGS: This table does not attempt to make estimates of the water downstream of the reservoir. This was a calculation attempting to show the deficiency that would arise at various points in the prairie provinces, but one could picture it as being fairly well concentrated in the South Saskatchewan reservoir.

Mr. DAVIS: In the terms in which we were speaking earlier, we can more or less forget any power produced downstream of the Saskatchewan reservoir or, perhaps, only add 10 per cent of head as effective.

Mr. CASS-BEGGS: I do not think so. As I pointed out in connection with the figure and the curve on the next page but one—page 64—that there is a significant build-up—which is estimated here to be in the order of ten years—during which time there would be a considerable surplus of water which would provide benefits throughout the channel of the river, and in the Nelson river too; and I also pointed out that this curve assumes that the diversions are to meet conditions in a critical three year period. Over a considerable time there would be many occasions, probably a high percentage of the years, in which there would be surplus water over and above the requirements to augment this critical year flow, and this water, of course, would be released throughout the length of the river.

Mr. DAVIS: Then we have a rather discontinuous situation initially when the diversion is carried out. The consumptive uses are growing steadily, but they do not immediately absorb the higher diversion. So, for a period of ten or 15 years at least, much of this flow is available downstream of the South Saskatchewan for power purposes, but thereafter as consumptive uses grow,

these installations downstream are deprived of a firm supply of water, and hence their importance is less economical, alternatively, one could say they would have to be written off over a fairly short period.

Mr. CASS-BEGGS: I am sure you appreciate, from your own knowledge of this subject, that the future of hydro plants is to get by on less and less water and to be dedicated more and more to peaking purposes. If this is represented as, shall we say, a slug of water that is available for ten years, its effect is to defer the period at which these plants will operate on less water for a ten year period, and that has very significant value, a value as estimated here of \$100 million.

Mr. DAVIS: In other words, the power recovered downstream of the South Saskatchewan dam is nothing like as firm over the long pull, or as predictable, as the power produced upstream and would tend to reduce the power credits of this diversion if one is looking for benefits and costs.

Mr. CASS-BEGGS: The credit taken in these things is, of course, a discounted value and represents by and large the fuel saving that would be made at other plants.

Mr. DAVIS: If the water is absorbed on the land for example to the extent of let us say 90 per cent, it will not produce energy of any kind. On page 53 you speak of a diversion from the Columbia river basin providing water to the prairies for a cost in the order of from \$5 to \$8 per acre foot. This comment appears in the last sentence on page 53. First of all, does this range of figures reflect any compensation to British Columbia?

Mr. CASS-BEGGS: This is prefaced by the words "considered only as a water diversion". This is because none of the power benefits are taken into account nor is any compensation to British Columbia taken into account. This, of course, is in accordance with the terms of reference which Crippen-Wright followed.

Mr. DAVIS: You do not seriously question the estimates which the government presented, which range from \$7.50 to \$10.50 per acre foot. You think they are not unreasonable then in a range like that?

Mr. CASS-BEGGS: Well, if the government's purpose in quoting those figures was identical with Crippen-Wright's purpose in submitting them, then of course they are valid figures for that purpose. But Crippen-Wright were asked to advise the Saskatchewan Power Corporation of the cost under certain conditions. They were not asked to give effective operating costs for this water considered as a multipurpose project, taking into account the various benefits.

I think it was misleading in a government document to quote figures that were only valid under very restricted terms of reference. These are in fact much too high.

Mr. DAVIS: Well, then, according to your brief, the range of cost would be between \$5 and \$8. You have not allowed for compensation to British Columbia. Can you tell us what farmers are paying for irrigation water on the prairies now per acre foot?

Mr. CASS-BEGGS: If I might comment on that last point in our own brief with the preface "considered only as water diversion schemes". The cost would be from \$5 to \$8 per acre foot. At the present time I would imagine the cost per acre foot that the farmers would be paying would be in the order of from \$1.50 to \$2; and I believe it rises to \$5 under certain conditions.

Mr. DAVIS: You would not be surprised at the figure of from \$1.50 to \$2.50, in an order of that magnitude?

Mr. CASS-BEGGS: These prices, of course, reflect the degree of subsidy that is included as government policy. There are no farmers today I think who are paying the actual cost of irrigation water.

Mr. DAVIS: Incidentally, in your calculation, what interest rate did you use?

Mr. CASS-BEGGS: Where I am quoting Crippen-Wright figures such as the one you have just quoted, they assume $3\frac{1}{2}$ per cent interest rates.

Mr. DAVIS: Yes. If you in fact pay up to 5 per cent, or if the agency carrying out this diversion did in fact pay 5 per cent, then somewhere along the line there would be a substantial subsidy involved.

Mr. CASS-BEGGS: This is dealt with in the brief with our comment on the annual revenues, where it is pointed out that a one per cent increase in the long term interest rate would increase the annual cost by about \$2.6 million; and that of course should be compared with the total annual cost of the order of from \$40 million to \$50 million.

Mr. DAVIS: You have referred us to page 78 where table 7 is incorporated into the record. I would like to run briefly through the total at the bottom of page 78 where you are dealing with the cost incurred by these diversions. The first cost which I would look for is the cost of the reservoir on the British Columbia side. Has any allowance been made for a substantial reservoir from which pumping would take place?

Mr. CASS-BEGGS: Yes, this is included in the capital cost. This refers to the one particular scheme, the Surprise rapids scheme, and the cost would support the dam at Surprise rapids. Mr. Crippen comments that such a dam and reservoir were found to be economically feasible in the course of the investigations into that part of the Columbia, but it is not included in the Columbia plan. Consequently the cost of it is included in this project.

Mr. DAVIS: So the dam and the reservoir behind Surprise rapids are included in the capital cost?

Mr. CASS-BEGGS: Yes.

Mr. DAVIS: If it is going to be for upstream storage conceivably from the Bull river—Luxor reservoir which controls 6,000 acre feet of water, who pays for it?

Mr. CASS-BEGGS: This particular scheme does not presuppose that a reservoir is required for the Surprise rapids project. The dam is all that is required. That is the reason I suggested it in this type of analysis.

Mr. DAVIS: First we require diversion of some part of the water of the upper Kootenay to supply it.

Mr. CASS-BEGGS: The flow at this point in the Columbia is in the range of 12,000 cubic feet per second, and the diversion provides for diverting about one half of it.

Mr. DAVIS: In other words, under the treaty arrangement the physical plan you have in mind could be carried out?

Mr. CASS-BEGGS: Yes, under any arrangement with or without the treaty.

Mr. DAVIS: I mentioned the interest rate which would raise the cost of pumping the power. How are you going to be assured that you will get your pumping power for one and one half mills? Have you discussed this with the British Columbia Hydro, and have they said that such a price might be available?

Mr. CASS-BEGGS: It is not based necessarily upon pumping power from British Columbia, but the general price that is in use for interruptable power on a scale of this order of magnitude would be in the range of one and one half mills. This amount of power could be generated in Saskatchewan from lignite coal in the form of power for two mills.

Mr. DAVIS: You have to have a very substantial supply of power which could be restricted periodically but which nevertheless has to be delivered at a price rate of one and one half mills. You are not counting upon getting it from the Columbia itself, are you?

Mr. CASS-BEGGS: It is hardly possible to forecast where this energy would come from in 20 years time. I would anticipate that British Columbia would have a fairly large surplus capacity capable of producing interruptable energy.

But if British Columbia did not, it might be possible to contract with Pacific Northwest or with production in Alberta and conceivably, although the transmission costs of say 400 to 500 miles would be significant, it might be possible to get it from Saskatchewan. The reason I say this is possible is that, as interruptable power, it would not of course have to carry the full transmission costs. Transmission lines that would be built primarily to handle firm power can deliver a great deal of additional power on an interruptable basis.

Mr. DAVIS: But power at this price is not available today in that general region. Would you agree?

Mr. CASS-BEGGS: I believe you would find there were contracts for interruptable power in British Columbia for as low as one and a half mills. I do not have personal access to the records but I do not think it would surprise anyone in the utilities industry to be asked if power was sold at this figure.

Mr. DAVIS: If British Columbia could dispose of its surplus power to replace fuel in Pacific Northwest say for three or four mills it certainly would not sell it to a scheme like this for less than three or four mills.

Mr. CASS-BEGGS: Except that Pacific Northwest is not producing power from fuel that costs that amount.

Mr. DAVIS: But it may in the year 2,000; is that not right?

Mr. CASS-BEGGS: I think it would replace uranium which would cost seven-tenths of a mill.

Mr. DAVIS: In other words, you are contemplating nuclear plants in the system and some replacement cost plus the cost of extensive transmission lines delivering power at one and a half mills.

Mr. CASS-BEGGS: My point is that the Pacific Northwest is the last place in the North American continent that would go in for large scale fuel energy sources at any time, and when hydro is exhausted I think it is quite clear they will turn to nuclear power.

Mr. DAVIS: There is another item of cost which I have been looking for and which is not on that table or on the table on the following page. Where are the costs associated with the hydro power plant on the east slope that are needed to recover this energy?

Mr. CASS-BEGGS: These are included in the Crippen-Wright estimate of capital cost, on which the first item of interest, depreciation, operation and maintenance is based. They appear on table 6 of the brief on page 72. You will see there dams and reservoirs, pumping stations, tunnels and penstocks. They are not listed separately but I could give you the references to the way in which they were treated in the Crippen-Wright calculations.

Mr. DAVIS: You first arrived at the power calculation at benefit cost ratio of the order of 1.1 to one; you later included revenue from the sale of water for other consumptive purposes. Where is the cost associated with those consumptive purposes?

Mr. CASS-BEGGS: At the present time the South Saskatchewan River Commission proposes to sell water from the reservoir at figures of the order of \$2

per acre foot, and this is simply used as an example; there are no further costs in delivering this water. It would be up to the user to pipe it wherever it was required. Of course, if it were moved by some water distributing authority several miles from its source, the cost would be correspondingly higher.

Mr. DAVIS: You assumed \$20 per acre foot for sale, whereas currently the price charged to farmers is \$1, \$2, \$3, or something in that range.

Mr. CASS-BEGGS: This refers to water diverted for industrial use. The general range of water prices for industrial use in North America is from \$20 to some \$80 per acre foot. Mr. MacNeill reminds me that costs in Saskatchewan are often much higher than that.

Mr. DAVIS: But you assumed that high values predominate and that you get \$20 per acre foot in order to build up the benefit side.

Mr. CASS-BEGGS: I applied this price to 1,000 cubic feet per second, which is only 20 per cent of the diverted water. The balance would be at low value use, and I have not brought this into the calculation at all. This particular calculation is purely to illustrate that the cost benefit ratio, even just by taking in a single additional use, rises very significantly. If we applied say \$2.50 to the remaining 4,000 cubic feet per second, this benefit would be doubled a further \$14½ million, and the cost benefit ratio would go up to 1.8 to 1.

Mr. DAVIS: Earlier you said that diversion for power purposes would be stupid—I think that was your word. Here is a benefit cost ratio of 1.1 to one in respect of power; do you think that that is an encouraging ratio, or how do you assess this analysis?

Mr. CASS-BEGGS: Read in the context of diverting water for consumptive uses I think that to be able to more than pay for it on power benefits is a very encouraging feature.

Mr. DAVIS: There are alternative schemes for providing water for at least parts of the Nelson-Saskatchewan system. Have you read the article which is entitled, "Water Resources of the Nelson river Basin" by E. Kuiper which appeared as one of the submissions to the Resources for the Future Conference in 1961 and which looks a long way ahead and then suggests that one of the answers, if not the answer, for irrigation and other consumptive uses on the prairies would be to pump backwards up from lake Winnipeg, using cheap energy?

Mr. CASS-BEGGS: Yes, I made that suggestion myself some years ago as a means of getting more use out of the South Saskatchewan reservoir. I suggested that by the time we put in a series of hydro projects from the South Saskatchewan reservoir to the Manitoba border, we could, at comparatively little cost, equip these units to work as pumps, and at night we could return some of the water that had passed through them in the day time, just shuttling the water backwards and forwards. This of course does not increase the available energy but it does give us a pump storage application. It is quite probable that Saskatchewan will adopt that procedure for its own purposes.

Mr. DAVIS: So that given an abundant supply of energy it is conceivable that water could be supplied in this way. Indeed, I wonder if you would agree with Mr. Kuiper's conclusion where he looks again many years ahead to a population of I think 100 million people. He concludes that their requirements could be met in this way.

Mr. CASS-BEGGS: I do not agree that we could move water into southern Alberta by pumping it from lake Winnipeg using any existing power installations. One could move water conceivably from the Saskatchewan delta area on the Saskatchewan-Manitoba border back to the south Saskatchewan reservoir, but this would not necessarily be an economical method of doing it. I have not an immediate figure available but I think we are talking in terms

of 1,000 feet, and something of the order of a half of the western side energy cost that I have used in table 7, with no recovery of power. So this would appear to be a much more expensive method of moving the water. Moreover, could Lake Winnipeg supply the required water for the prairie provinces? Professor Kuiper's article which you quoted, speaking from memory, indicated that the Red river and all other rivers of the Saskatchewan-Nelson drainage area might support 100 million population. But, he was not using anything like a reasonable water allocation for that population.

Mr. DAVIS: I would like to refer you to a sentence at the bottom of page 67 in your brief. I am wondering what significance we might attach to it. It is the very last sentence beginning half way through the last line on the page, which reads:

The choice between the treaty scheme and the alternatives is not, however, of great significance to the concept of a prairie diversion.

I wondered what you meant by that?

Mr. CASS-BEGGS: I do not think Saskatchewan would say that the choice between the treaty scheme and alternatives is totally irrelevant. It means that whatever scheme of development of the Columbia were adopted, either the project listed in the treaty or other alternatives that have been proposed, one or other of these diversions effectively could be made. On the other hand, if it was desired to divert from the Kootenay and the upper Columbia directly to the Bull river and on through the Crownsnest pass into the Old Man river, then this would presuppose a particular Columbia development. However, it does not appear to be very important so far as the diversion project is concerned which scheme is ultimately adopted.

Mr. DAVIS: Then, in summary, the physical treaty scheme does not preclude diversion in your view?

Mr. CASS-BEGGS: That is quite right.

Mr. DAVIS: And, a diversion to the prairies would be based substantially on what we might call consumptive use. The production of power would be incidental and would not be enough to recover the power consumption required to effect the diversion. Do you agree with that?

Mr. CASS-BEGGS: May I just repeat that with a slight modification. Certainly, the diversion concerned would be quite consistent with the treaty scheme; it does not depend for its economic feasibility on the energy potential of the diversion but rather on the full exploitation of the power potential for pump storage for peaking purposes, for the conversion of interruptable power into firm power and similar benefits.

Mr. DAVIS: In other words, power production for sale is incidental. You produce the power to recover in part the power you need to accomplish the diversion?

Mr. CASS-BIGGS: The power capacity of the projects would be sold; for example, the pump storage would be sold possibly at a capital equivalent of \$100 per installed kilowatt. The added value for firm energy as compared with the interruptable energy would be sold and would be worth perhaps one mill per kilowatt hour. The fact there would be no greater amount of energy produced than consumed is irrelevant.

Mr. DAVIS: Thank you. Those are all the questions I have.

Mr. GROOS: Mr. Cass-Beggs, I am not going to take up a great deal of your time. I want to approach this from a different angle. It seems to me that the whole point of the Saskatchewan brief is summed up in the recommendation you give on page 84, and that is an understandable concern with the definition of consumptive use and the necessity for preserving our right to divert

these waters of the Columbia for this consumptive use about which we are talking. Now, if we could show there is no need for this sort of a diversion until after this Columbia treaty expires or could be made to expire, then the actual definition of consumptive use and the necessity for preserving this right to divert, which are causing so much trouble, surely would then become academic. Am I right in my contention?

Mr. CASS-BEGGS: I do not quite agree with you in that respect. One would have to define the need for diversion. This is a matter of economics.

We could distil sea water and get by; however, the cost would be fabulous and we do not have any sea water very handy. But, nevertheless, it could be demonstrated there is no need to divert Columbia water because sea water could be distilled in Hudson bay and transported to Saskatchewan. I suppose this would cost many thousands of dollars per acre foot.

It is entirely a matter of cost and our examination of the alternatives of going as far as the Peace river or beyond indicate that the costs would be much higher than the cost of Columbia water. This is the main reason we feel that the right to divert the Columbia river, or some of the water from it, should be preserved. It is basically an economic reason.

If the federal government were to say instead of using the Columbia we will undertake a diversion project at federal government expense from the Peace so that the net result will be no more expensive than a diversion from the Columbia, then this sort of guarantee might lead Saskatchewan to reply that, under those conditions, the one is as good as the other. But, without that kind of guarantee, it must insist that the option of a Columbia diversion be kept open. The economic future of the prairies depends on the ability to divert water at the lowest cost.

Mr. GROOS: Well, I was really thinking of providing water to Saskatchewan in the quantities that you need at comparatively the same cost; I was not thinking of distilling sea water.

I would just like to go into this possibility because I think in the brief you are showing at some time regardless of the cost you are thinking of using the Peace river.

Mr. CASS-BEGGS: Yes.

Mr. GROOS: So, as I recall in your testimony in comparing the Peace and the Columbia as sources of water you favour the Columbia for one reason, because of the distance to bring the water, namely 150 miles for the Columbia as opposed to 800 miles for the Peace, and the fact that the Peace has to be pumped 800 feet uphill as opposed to a net 400 feet on the Columbia. As you have just said, this is one of cost, and in the case of the Columbia the cost of bringing the water to Saskatchewan is less per acre foot than the water of the Peace. Is this not true?

Mr. CASS-BEGGS: Yes, that is right.

Mr. GROOS: This is water from the Peace river we are considering which costs less per acre foot than water from the Columbia river; is that right?

Mr. CASS-BEGGS: I am sorry but I answered you question as you phrased it in the first instance. The answer to your question, if you put it the way you have just done, is no.

Mr. GROOS: Let us consider that aspect a little bit further. These figures in table 3 at page 52 of the blue book refer to water from the Columbia river as costing somewhere between \$7.50 and \$10.50 per acre foot while the waters from the Peace river are indicated as costing in the neighbourhood of \$4.60. However, I notice in your brief at page 59 you say these are not true figures in respect of waters from the Peace river because they should eliminate certain credits and

raise the cost per acre foot about 40 per cent. This would bring the cost up to about \$6.40 per acre foot which seems to me still to be slightly less than the cost of the water from the Columbia river.

Mr. CASS-BEGGS: In the brief I gave a figure of \$11 per acre foot for the water from the Peace river as compared with from \$7 to \$9 for water from the Columbia river. The difference in cost arises from the fact that there is a difference in the scale of the operation. It is true that if one can divert from the Peace river as much as 20,000 cubic feet per second, which is the whole volume of the Columbia river at the Mica project, the unit cost will come down, as one would expect, making this quite a good project. The cost I believe is about 40 per cent higher than the figure quoted in the table as it appears in the presentation. Nevertheless, this is still a reasonable price. However, there is no possibility of our being able to suddenly use 20,000 cubic feet per second in a river which has a normal flow of somewhere between 7,000 to 8,000 cubic feet per second and which would be then short of water. We would then be looking for approximately 3,000 to 5,000 cubic feet per second. To import four times the amount of water one can use would mean that any return would be on one quarter of that water and consequently the price would be four times as high. Ultimately it may be possible to move water in this volume to the prairie provinces when the area has a population of 100 million, or perhaps much less than that, but this is quite clearly a very remote project. Consequently, in the intervening period we have to find a more reasonably sized project.

The Athabaska I assume will have already been tapped and, therefore, nothing but the Columbia river will remain and any project on the Columbia will in any event be cheaper.

In respect of costs, it is perhaps worthy to note that the Columbia diversion project has a capital cost of approximately \$300 million. The capital cost in respect of the Peace river project is about \$850 million so the difference is over \$500 million, which is more than the total compensation provided under the treaty from the United States, and I take it more than the compensation in respect of the Columbia river project.

Mr. GROOS: At page 52 of the blue book appear figures which I think you repeated this morning in respect of the Peace river, and I refer particularly to that 14,500,000 acre foot figure.

Mr. CASS-BEGGS: Yes, that is correct, and I think I used the figure of 20,000 cubic feet per second.

Mr. GROOS: You stated that 7,250,000 acre feet would be delivered to the South Saskatchewan dam. In looking at this curve in figure 2 on page 64 I get the impression that you are in your planning going to use something in excess of 10 million acre feet from the Peace river. Is that correct?

Mr. CASS-BEGGS: Yes. This represents a diversion from the Peace river. The Crippen-Wright figures are based on this prospect.

Mr. GROOS: I have the impression that you contemplate using 10 million acre feet out of a possible total of 14,500,000 acre feet.

Mr. CASS-BEGGS: This represents a 10 million acre foot diversion from the Peace river.

Mr. GROOS: Yes. This indicates that you are going to use in about the year 2008, as I have noted it here, what will eventually amount, in about the year 2025, to 10 million acre feet from the Peace river which is almost a total diversion of the Peace river; is that correct?

Mr. CASS-BEGGS: Of course this is speculative but the main reason for incorporating the Peace river project at this point is that it would seem unreasonable to try to get a further diversion from the Columbia river.

Mr. GROOS: I am only concerned about these figures in your brief in respect of quantity.

Mr. CASS-BEGGS: These simply are illustrative of possibilities.

Mr. GROOS: I also notice on the left that you show a deficiency of water which will be required in Saskatchewan from the year 1980 to about the year 2030, and I gather this is illustrative of a fairly steady increase in the deficiency curve which is almost a straight line.

Mr. CASS-BEGGS: You will notice in the diagram that there is a dotted portion. This reflects no more than a hunch that this will not go on forever.

Mr. GROOS: This straight line indicates to me that you intend to use this amount of water and it will not make very much difference in point of time when you start to use Peace river power, because the eventual cost of the amount you will use appears to be about the same.

Mr. CASS-BEGGS: I think there is a difference of approximately \$500 million in capital investment. One would have to be in a position to invest one half a billion dollars ten years earlier than would otherwise be necessary and pay the interest on that investment over a very long period of time until it was justified by the level of consumption. These factors I think are absolutely fundamental and would rule the Peace river project out entirely as a practical project.

Mr. GROOS: If you substituted the Columbia river for the Peace river in respect of use in 1996 would you suggest that this would cost \$500 million more, having regard to the change in time?

Mr. CASS-BEGGS: The capital investment involved in substitution of the Peace for the Columbia would amount to half a billion dollars.

Mr. GROOS: More than the Columbia by moving it back 12 years?

Mr. CASS-BEGGS: By substituting it at the same time. It is not a matter of when, but as a project one costs \$300 million and the other costs \$850 million.

Mr. GROOS: It seems very difficult for me to understand, if you are going to build it anyway and you are going to pay a fair price for the Columbia, now moving the Peace back 12 years from 2008 to 1996 is going to cost you \$500 million.

Mr. CASS-BEGGS: No. The cost factors with which I have been dealing are not related to the timing. If one substituted scheme A for scheme B at different prices, the difference in cost at the time of construction would be \$500 million. This is the price I said was comparable to the total Columbia scheme. There is a factor involved by changing the timing as well. I suppose one could calculate that.

The main reason for which one would contemplate considering the Peace river project at all, say, in the year 2210 or thereabouts is that the population of the prairie provinces will be perhaps four or five times its present level, and they will be much better able to stand this kind of capital expenditure.

Mr. GROOS: I realize the carrying costs of this operation will be greater, but since it seems to me according to your graph that the deficiency is a straight line and you are going to build the Peace anyway, and you are going to use practically all the Peace water upwards of 10 million acre feet, to move it down the graph a period of what seems to me to be about 12 years is not going to cost a very great deal more than you will pay anyway.

Mr. CASS-BEGGS: I think it will cost the interest on \$500 million at 5 per cent if we take the figure that Mr. Davis was suggesting for at least ten years, and this would be \$25 million. This would be the actual cost year by year of advancing it ten years. Having got it, it would be in use to the extent of about 5 per cent in the first year and the use of it would gradually grow

until after a period of about eight years, when it would be half in use. At the end of 16 or 20 years it would be fully in use. During those years in which it was not fully used there would be an annual loss of a corresponding proportion of the interest on the investment, which would vary again from some \$25 million per year in the early years down to zero at the point at which it was fully in operation in, say, 2050.

Mr. GROOS: But in those years about which you are speaking, in those early years you are not going to be paying compensation to British Columbia for Columbia river water, and later on in any event the gross will be just the same and it will cost you just as much as you have mentioned, only it will happen to you 12 years later.

The point which I am making is that it seems to me that it is a resource, a natural resource belonging to British Columbia, just in the same way as the potash about which you were talking earlier is a natural resource belonging to Saskatchewan. It seems only fair to me that British Columbia should obtain the best possible price it can from this resource. It would seem to me also that from the point of view of British Columbia—and I am a British Columbian—it is a good thing for British Columbia to have its interests protected and to keep its hold on the Columbia and have a good, flexible condition existing at the time that Columbia water would become most valuable, namely in about 60 years at the time when this treaty of which we are talking will expire or could be made to expire.

From the British Columbian point of view it would be very valuable to have the Peace river developed before the Columbia, and at the time the Columbia treaty expires—which just happens to be almost the time at which you start running out of Peace river water, according to your chart—we could have both Saskatchewan and the United States pitting against one another to try to get our water. At the same time, this is probably a suitable time for British Columbia to divert the waters of the Columbia into the Fraser river, which also seems to be in the mill.

Would you not agree that from the British Columbia point of view that is a fair stand to take?

Mr. CASS-BEGGS: I am afraid not. I do not think it is sound economics from British Columbia's point of view. However, first of all, from the Canadian point of view I should say that substitution of the Peace for the Columbia would need an immediate investment on the part of the prairie provinces, shall we say, that is greater than the investment in the Columbia system. It would involve losses that would be greater than the interest on the Columbia system.

Mr. GROOS: Do you say from the Canadian point of view or from the Saskatchewan point of view?

Mr. CASS-BEGGS: I am speaking of the Canadian point of view. If one balances two projects one against the other from the Canadian point of view and decides which is of greater advantage to the country as a whole, one should ask oneself if it is better to proceed with a very expensive scheme in the prairie provinces that will involve an investment of \$850 million and that will involve losses running into tens of millions of dollars a year, in order to avoid diverting from the Columbia 2½ per cent of the flow of the Columbia in the United States. Obviously, it would be much better to pay exorbitant compensation to British Columbia and to proceed with the scheme which would make the savings in the prairie provinces.

Mr. GROOS: You have not convinced me that this will not eventually cost Saskatchewan almost as much in the long run. We also do not seem to have mentioned that by doing this we will, from the point of view of Canada again,

preclude this operation of the Columbia as we are now planning it under this treaty, which also will bring some benefit to Canada as a whole. This is a matter which you are overlooking in your discussion.

Mr. CASS-BEGGS: I have not really overlooked it, Mr. Chairman, because I do not think the operation of the diversion will have any effect on the basic Canadian operation of the Columbia in terms, for example, of flood control. It would have an entirely insignificant effect on the downstream benefits in the United States. It is conceivable it would reduce the downstream benefits by a very small percentage, as now calculated. It would reduce the energy generated in British Columbia certainly, but the scheme can afford to pay full compensation for that.

Mr. GROOS: Would it not wipe out this present arrangement we have with the United States whereby we will receive the amount of money which would be required to put up all the dams in Canada, and would we not have to raise that amount elsewhere?

Mr. CASS-BEGGS: I see no reason at all why 2½ per cent reduction in the United States flow of the Columbia in 20 or 30 years' time would have any effect on the United States payments to Canada in compensation for the storage provided.

Mr. GROOS: Then we have different opinions on this. I will not carry on, Mr. Chairman.

Mr. PATTERSON: Mr. Chairman, on a point of order, I would like to call attention to the first statement in the brief, the very first two sentences:

The government of Saskatchewan is concerned about the Columbia river treaty, protocol and related documents only in so far as these affect Canada's future right and ability to divert water from the Columbia basin to the prairies. It is not proposed to comment on any other aspect of the treaty.

Now, for five hours or so we have been discussing the matter, and it certainly has been a very interesting and informative discussion. However, I would suggest, Mr. Chairman, that we are not dealing with this specific question which has been raised by the delegation. In one half hour from now this session of the committee will be over, unless we have the witnesses back next week. They will be going home without any answer to the question, and they will not have accomplished their objective. I understand someone else is to appear tomorrow.

The CHAIRMAN: Yes. We meet tomorrow morning at nine o'clock to hear General McNaughton.

Mr. HERRIDGE: I am completely at a loss to understand Mr. Patterson's objection, because we have been dealing with nothing else but the diversion.

Mr. PATTERSON: I realize that; but there is this specific point, and that is whether or not under the terms of the treaty we have the right to divert. If the delegation could have proven to them that under the treaty we have the right to divert, then I think they would be satisfied, because this is an assurance they are looking for in the future, regardless of the nature of the particular projects undertaken. That is my understanding.

By the way, I raised my hand about 4½ hours ago to ask a very brief question. It is rather outdated now.

The CHAIRMAN: In the light of the distance these gentlemen have come, I am going to ask the members of the committee to co-operate. I do not want to cut short anybody. After all, we had the opening introduction this morning which took two hours and seven minutes.

Mr. HERRIDGE: Most illuminative and informative.

The CHAIRMAN: I am not being critical, but for a summary it was a very extensive statement. I recognize Mr. Deachman and I think perhaps all of us might concern ourselves with the point raised by Mr. Patterson that the submission on behalf of the government of Saskatchewan does say that the government of Saskatchewan is concerned about the Columbia river treaty and protocol and related documents only in so far as these affect Canada's future right to divert water from the Columbia river basin to the prairies. I am not going to limit the members, but I would be grateful if members of the committee perhaps would exercise some discipline.

Mr. HERRIDGE: On a point of order; my delays have been occasioned by the Liberal members.

Mr. TURNER: On a point of order; I am happy to deny that, and I am sorry that Mr. Herridge has not been fed information this evening by General McNaughton, and that probably explains this.

The CHAIRMAN: Mr. Herridge, seeing that you are so far ahead of the game, would you allow me to take your name off the list?

Mr. HERRIDGE: Please put my name on your list. I have only one or two questions.

The CHAIRMAN: I recognize Mr. Deachman.

Mr. DEACHMAN: Mr. Chairman, I have before me the opus of Mr. Ripley entitled "The Columbia Scandal". I always am interested in that kind of thing.

An hon. MEMBER: You are in the wrong committee.

Mr. DEACHMAN: Mr. Chairman I have before me the page headed "The Prairies will get no water", and the word "no" is underlined. I think Mr. Patterson will agree with me that these witnesses are before us on a matter that has to do with diversion of water to the prairies. This "Columbia Scandal" says:

The Prairies will get NO water.

If I may raise—

The CHAIRMAN: You must not introduce this propaganda.

Mr. DEACHMAN: I wonder whether or not this subject is relevant this evening: The prairies will get no water, as expounded by Mr. Ripley. This article says:

The uncertain supplies of water have greatly slowed industrial growth and related economic activities in the area.

Would Mr. Cass-Beggs comment on the slow-down in industrial growth and related economic activities in the area owing to the uncertain supplies of water? I think this would be helpful to the committee.

Mr. CASS-BEGGS: I am not aware of any slow down of industrial growth.

The CHAIRMAN: Then you may move on to another question.

Mr. DEACHMAN: Down in the corner of the same page there is a little box with these words, which are attributed to you, I believe, Mr. Cass-Beggs:

Plans were made as far back as 1949 by the United States bureau of reclamation to divert the Columbia not only to California but probably to irrigable lands of Arizona and the southwest.

As soon as the Columbia treaty is ratified, these plans will be brought out of their pigeonholes in Washington and we will stand on the sidelines and watch the water that we were denied for the prairie province being moved to the deserts of California and Arizona.

Would you explain these plans in a little more detail which are available in Washington, pigeonholed and held to be drawn forth at the appropriate time. I think these are your words, if Mr. Ripley is correct.

Mr. CASS-BEGGS: I am not sure whether I am accurately quoted, but—

Mr. DEACHMAN: You might have been misquoted by Mr. Ripley? Is that your position?

Mr. CASS-BEGGS: I do recall making some comment of that kind, Mr. Chairman. It was based on information quoted from a book entitled "The Water Seekers", by Reni Nadeau.

Mr. DEACHMAN: Who is he?

Mr. CASS-BEGGS: The author of a book entitled "The Water Seekers" which deals generally with the struggle of the City of Los Angeles and Southern California to obtain water.

Mr. DEACHMAN: I will read the extract from his publication.

Mr. TURNER: On a point of order; the question is, who is he?

Mr. CASS-BEGGS: He has a reasonably reputable book to his credit. I am not in a position to assess the accuracy of all his information, but it is one of the works that recorded the general struggle by the interested parties in the United States for the water resources available to California and the southern states.

Mr. DEACHMAN: Do you know who published the book?

Mr. CASS-BEGGS: I do not have the name of the publisher here.

Mr. DEACHMAN: Do you know on what date that was published, or do you have any information about Mr. Nadeau's story?

Mr. CASS-BEGGS: It would be in the late 1950's.

Mr. DEACHMAN: You say the late 1950's. Would you consider this to be substantial evidence that there would be documents pigeon-holed in Washington which would be drawn forth as soon as the treaty was signed?

Mr. CASS-BEGGS: The evidence I was basing my statement on is Mr. Nadeau's statement that:

In the fall of 1949 the Reclamation Bureau prepared to open serious investigation on a grand scheme to divert Columbia water below Bonneville dam—not only to California, but to arable lands awaiting development in other western states outside the Columbia basin. Undoubtedly this would be the keystone of a vast plan, cherished by Reclamation officials, eventually to distribute the west's water onto all its parched deserts by an amazing integration of streams and watersheds. Whether this program would come in conflict with those of California cities who may someday look to the Columbia is still a remote question. But neither faction has been known for its backwardness where water is concerned. Even now the Reclamation Bureau is scrapping with the army engineers for jurisdiction over water projects, with groups who oppose strict application of its 100-acre limitation on project farms, and with those who object to its interference and regulations in state irrigation affairs. Should this powerful government arm clash with the veteran water fighters of southern California, the west may see a water war to dwarf all others.

Mr. TURNER: I think that substantiates the point. Now if you could only tell us who the author was and why you cited it.

The CHAIRMAN: Did Mr. MacNeill write the article?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Neither did Mr. Cass-Beggs?

Mr. MACNEILL: I think I can answer the question.

Mr. DEACHMAN: If I could be permitted to continue with my question I think I could get over this very quickly.

Mr. MACNEILL: I have the answer.

If I could be permitted to answer I think I could do so to your satisfaction. I read the book referred to entitled "Water Seekers", and saw this quotation. Subsequently I had occasion to raise the validity of this quotation with senior executive officer of an organization in the United States called "Resources for the Future". This is a private research organization, endowed I think by the Ford Foundation. The gentleman in question verified this and said that the investigations referred to by Mr. Nadeau were in fact carried out by the bureau of reclamation between 1949 and the early fifties, and were completed, and then to all intents and purposes were shelved.

Mr. DEACHMAN: And they are to be brought forth? Did they go on to give you this assurance?

Mr. CASS-BEGGS: This was a reasonable speculation.

Mr. TURNER: "Speculation" is a good word.

Mr. DEACHMAN: I think we can agree that Mr. Nadeau, like a good many writers and thinkers, is worried about the water supplies of the continent. These people, like yourself, are concerned about the future water supplies of the continent. I want to enlarge on this subject.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I thought we were supposed to ask questions of the witness. Are members of the committee not entitled to enlarge on this?

Mr. DEACHMAN: If there are no further interruptions, then I have more questions. Can you tell me when the government of Saskatchewan began studying the question of the diversion of the Columbia?

Mr. CASS-BEGGS: Approximately at the time I asked Mr. Crippen to start work on this report. I will see if there is anything indicating it in the report itself. I am sorry to say that the report does not carry that obvious date. Yes it does, it is March, 1962. I suspect the Saskatchewan Power Corporation started commissioning this report probably at the end of 1961.

Mr. DEACHMAN: When did you first get in touch with the federal government in connection with this particular question? What was your first contact?

Mr. CASS-BEGGS: I would have to refer to the premier's correspondence. Might I answer another question while it is being looked up?

Mr. DEACHMAN: I am coming to this question. I am interested particularly and I am leading up to determining what the government of Saskatchewan has done to make contact with the governments of Alberta and Manitoba in regard to studies regarding diversions, because when I turn to page 73 of your report I find there is a sentence there which says that water would be brought through the mountains for use in Alberta, Saskatchewan and Manitoba. I guess that presupposes that there must be some form of joint study. Could you give me some idea of what studies or consultations may have gone on?

Mr. CASS-BEGGS: In answer to your previous question, the first letter from the Premier to the government of Canada at this stage was dated June 21, 1962.

Mr. DEACHMAN: You say June 21, 1962. Might I see the letter?

Mr. MACNEILL: It was addressed to the Hon. Mr. Dinsdale, with a copy to the prime minister, the Right Hon. Mr. Diefenbaker.

Mr. DEACHMAN: Was that followed up during treaty negotiations? Were any formal representations made to the government of Canada in respect of diversion from the Columbia?

Mr. CASS-BEGGS: This of course was after treaty negotiations.

Mr. DEACHMAN: You say that it was after treaty negotiations, so that really during treaty negotiations, while the government was in the process of negotiations, and while the clauses of the treaty were being formed, the question of diversion from the Columbia to the prairies was not under discussion with the federal government by the province of Saskatchewan. Is that right?

Mr. CASS-BEGGS: The province of course assumed that the federal government would be looking after the interests of Canada in the matter of the Columbia. It should not have been necessary to raise it at that time.

Mr. DEACHMAN: Were there memoranda or were there discussions that you know of among the officers and ministers of the province of Saskatchewan in which it was said "we realize these negotiations are going on and that a treaty is being written, but we know they are looking after our interests in respect of a diversion of water from British Columbia; therefore there is no need to get in touch with them; they will get in touch with us"?

Mr. CASS-BEGGS: That would be a reasonable assumption.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Not in respect of any government we have had in Ottawa.

Mr. DEACHMAN: I feel quite serious about it because I realize that if you are responsible for water conservation in Saskatchewan, in a section of Canada where it is a serious concern about a long term diversion from the Columbia, then this would have been uppermost not only in your mind but in the minds of all those connected with water supply on the prairies.

One of the first things which would have happened in connection with the question of the Columbia treaty when it came up would be the matter of diversion from British Columbia into the prairies. I want to suggest to you that this question has not been of sufficient concern in the minds of the people of Saskatchewan even to warrant their approaching the government of Canada about it.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Mr. Chairman, on a point of order.

Mr. DEACHMAN: I do not propose to be interrupted by the other members of the committee when I am asking my questions. I realize that this is a question which Mr. Cameron might not want me to put. He may not want to hear the answer, but I think I am entitled to put the question, that the government of Saskatchewan did not consider this a very important matter 18 months ago, and only very recently has it become a matter of any importance whatsoever.

The CHAIRMAN: Is there an answer to this statement?

Mr. CASS-BEGGS: I certainly think I should answer the question.

Mr. DEACHMAN: I am sorry to raise my voice but there is a good deal of static in the room.

Mr. CASS-BEGGS: In the first place, as an engineer in charge of the Power Corporation and interested in the water resources, I would have assumed that the engineers involved in advising the federal government and the federal government negotiators would ask the question: What is the best use to make of this water for the benefit of Canada? If they had asked themselves that question, one of the obvious procedures would have been to ask a further question: Is this water required in Canada for beneficial purposes? Had they asked themselves that question, they would have concluded immediately that there was at least a potential need for this water in the prairie provinces, and to them as engineers very little investigation would have indicated that it was at least reasonably feasible. Certainly at that date no detailed studies had been made, and no detailed studies were made until I myself initiated them towards the end of 1961 or early 1962. As a result of these studies the Crippen-Wright

Engineering report dated March 19, 1962 confirmed the feasibility of the diversions, and the government of Saskatchewan immediately expressed their interest in it and communicated with the Prime Minister of Canada urging that he secure an amendment to the treaty which by that time had become public—of course it was not public during the negotiations. The Premier of Saskatchewan then urged an appropriate amendment.

Mr. DEACHMAN: I wonder if I might continue my questioning?

Mr. DINSDALE: I have an important supplementary question. Is it not true, Mr. Cass-Beggs, that up until recently Saskatchewan was more interested in the potential of the Nelson river basin as a source of additional water supply?

Mr. DEACHMAN: I am coming to this area a little later. I think Mr. Dinsdale will find that his point in respect to the Nelson basin will be covered. If you have a supplementary question then, Mr. Dinsdale, I wonder if you would wait a little while?

Mr. DINSDALE: I waited all day.

Mr. DEACHMAN: I wonder if I might continue my questioning?

The CHAIRMAN: With that assurance, Mr. Deachman, please get directly to the point.

Mr. DEACHMAN: I just want to say, Mr. Cass-Beggs, that there has been a great deal of presumption on the part of the government of Saskatchewan in respect of a matter which was of vital concern to the prairies.

I want to go on to another question: What studies have been carried out jointly with Alberta and Manitoba in respect of a diversion to the prairies? Have they been consulted in respect of this?

Mr. CASS-BEGGS: This has been discussed at several levels including a meeting held between the ministers of the three prairie provinces at which two federal ministers were present. It has had a fair amount of public discussion in the three provinces.

Mr. DEACHMAN: I think we may discern here between what might be discussion and what might be research into this. Is there any formal body established in the prairies for furthering research into the question of the diversion and use of the Columbia waters?

Mr. CASS-BEGGS: The Prairie provinces are establishing a body to conduct a thorough study of the Saskatchewan-Nelson basin. This is proposed on the level of a joint federal-provincial group, and it is referred to on page 22 of the brief.

At a meeting in Regina on December 20, 1963, ministers representing the governments of Alberta, Saskatchewan, Manitoba and Canada agreed to proceed with a study of the water resources of the Saskatchewan Nelson basin, including the potential additional supply by diversion or storage.

The Columbia was mentioned during those discussions.

Terms of reference for this study are now being prepared and it is hoped that it will provide more adequate information in this area.

Mr. DEACHMAN: You said that preliminary discussions towards the establishment of a body for these studies have taken place. Is that correct?

Mr. CASS-BEGGS: These matters take a long time to initiate. The premier of Saskatchewan invited the ministers of the adjacent provinces to meet for this purpose.

Mr. DEACHMAN: But there is actually no formal body at the present time established and undertaking studies?

Mr. CASS-BEGGS: I would say that this is a formal body; it is not undertaking studies at the present moment.

Mr. DEACHMAN: In other words, you did not come here with studies which were undertaken or recommendations made to you by the governments of Alberta and Manitoba on any formal basis of study or research?

Mr. CASS-BEGGS: I think I made it clear in the brief that in this matter I was representing the province of Saskatchewan only.

Mr. DEACHMAN: So that when you say "for the use in Alberta, Saskatchewan and Manitoba", you represent Saskatchewan but you do not represent a joint study by Alberta, Saskatchewan and Manitoba?

Mr. CASS-BEGGS: I do not think there has been any suggestion that such a study has been made.

Mr. DEACHMAN: Is there in the prairies any deep research and study being made of the total water resources and the total conservation of the waters of the prairies which gives regard to every possible source and use of waters within the framework of the prairies from the borders of British Columbia to the borders of Ontario?

Mr. CASS-BEGGS: Yes, certainly. This joint meeting of the provincial ministers set up a formal committee consisting of officials closely involved in the water matters of the prairie provinces, including a representative of the Prairie Farm Rehabilitation Administration. This body is formulating the terms of reference for the conduct of a water supply in the Saskatchewan-Nelson basin.

Mr. DEACHMAN: What was the date of that meeting of the ministers?

Mr. CASS-BEGGS: December 20, 1963.

Mr. DEACHMAN: So on December 20, 1963 they began to see conservation of prairie waters as a matter of such urgency that they began to work out terms of reference for what they should do about the conservation of waters on the prairies. I would suggest to you, sir, that the matter of conservation of waters on the prairies does not appear to have been a very serious matter to the prairie people up to December 20, 1963, not serious enough to warrant a body studying this in the way, for instance, that the Columbia river has been subject to study in the province of British Columbia. Therefore, this is really not a matter of urgency in the prairies by any stretch of the imagination.

Mr. CASS-BEGGS: I take it you did not live in the prairies in the late thirties.

Mr. DEACHMAN: I lived in British Columbia and have seen the efforts that have been put into a study of the Columbia. If this were a matter of urgency in the prairies it would have been studied in the same way, believe me.

The CHAIRMAN: I enjoin every member to please be quite sure they put questions. You must avoid, particularly at this hour because we are going to have to continue on until we are completed, making statements instead of asking questions.

Mr. DEACHMAN: I have finished asking questions.

Mr. HAIDASZ: Mr. Chairman, I have a supplementary question.

The CHAIRMAN: Would you proceed.

Mr. HAIDASZ: In respect of previous questioners' problems in respect of the irrigation of the South Saskatchewan region, is not the witness deeply involved in the South Saskatchewan river development?

Mr. CASS-BEGGS: Yes.

Mr. HADASZ: Were there any studies being done by the Saskatchewan Power Corporation in respect of the possibilities of linking the South Saskatchewan river with the Columbia when studies were being made on the South Saskatchewan river dam and development prior to 1961?

Mr. CASS-BEGGS: I would say that in sequence we tackled the Saskatchewan River with the province first. This would go back to about 8 or 10 years ago. This was the first time the Saskatchewan River had seriously been studied for its power potential and this was related, of course, to the potential of the South Saskatchewan reservoir. At the time the work on the reservoir started the South Saskatchewan River Development Commission was established by the provincial government with a staff of hydrologists and others. They have started certain studies on the South Saskatchewan river which have so far, been related to the Saskatchewan portion.

The first attempt to examine the Columbia diversion was initiated by the Saskatchewan Power Corporation, which report already has been referred to.

The CHAIRMAN: Would you proceed Mr. Patterson?

Mr. PATTERSON: Mr. Chairman, in the ten hours that has elapsed since I raised my hand indicating I wanted to ask a good question this question has been answered to the extent in which I am interested, and I will pass.

Some hon. MEMBERS: Hear, hear.

The CHAIRMAN: I would ask members of the committee not to demonstrate their enthusiasm with such applause.

Would you proceed Mr. Dinsdale?

Mr. DINSDALE: Mr. Chairman, because of the passage of time and the instructions of the Chair I will be strictly relevant.

I refer to page 83 of the brief where it says:

There would appear to be a parallel here with other resources presumably "owned" by the provinces.

You will note the word "owned" is in quotation marks.

I continue:

In the case of natural gas, for example, the government of Canada has taken the position that before licensing export it must be satisfied that sufficient gas is reserved to meet the foreseeable requirements of all of Canada.

Now, I do not want to get into the legal area of jurisdiction and dispute because I am not qualified in that respect. However, I take it Mr. Cass-Beggs, that your viewpoint, so far as export across the border of Canadian resources is concerned, is that you believe that the federal government should have some interest in seeing to it that such export would be surplus to Canada's needs?

Mr. CASS-BEGGS: Yes, so far as export from Canada is concerned.

Mr. DINSDALE: Now, would you apply this same principle and give the government of British Columbia the same right to determine first its own needs before considering the exploitation of its resources in respect of other provinces?

Mr. CASS-BEGGS: I think this would be normal. Certainly Alberta takes the view it should meet its own needs for gas before it exports it.

Mr. DINSDALE: Are you aware that before this committee representatives of the government of British Columbia have stated in quite specific terms that they need all the resources that are represented in the multiple sense on the Columbia river to meet their own resource problems and to irrigate, what

they describe as, the semi-arid interior of British Columbia. Also, they have stated very definitely and emphatically that there is no water supply surplus to British Columbia's needs.

Mr. CASS-BEGGS: I have not seen this particular statement; perhaps I should have read the transcript of the meeting. However, I would infer from it they contemplate decreasing the volume of water crossing the United States border to zero in due course.

Mr. DINSDALE: Well, I do not wish to hear any opinion on that point at the present time. However, the question is: would you reserve the same right for Saskatchewan as you have indicated would apply to the government of Canada in respect of resources?

Mr. CASS-BEGGS: Yes, I think so. I am quite certain that the position of the government of Saskatchewan is that no development of this kind is feasible or can be contemplated without the co-operation of the British Columbia government and, of course, with the other prairie provinces.

I do not think that this co-operation would be denied if it appeared to be reasonable at the time and the need of the prairie provinces had to be met. If however, at that time the need of British Columbia was significant and no water could be spared for the prairie provinces then, quite clearly, no such project would come into being.

Mr. DINSDALE: Part of the province of British Columbia bases its conclusions on the exhaustive studies that have taken place over the years in respect of future development of the Columbia and it would seem it has taken this position from the standpoint of pretty comprehensive knowledge; this being so, would you see any possibility of getting an agreement with the province of British Columbia to divert this water resource from its own boundaries?

Mr. CASS-BEGGS: Well, I feel that the comprehensive studies of the Columbia basin referred to are somewhat mythical. Certainly there have been studies of the water in the basin itself but I have not seen and I question whether there are any accurate forecasts of what the requirements are in British Columbia. These are things that still could be developed by a western Canadian co-operative organization among the provinces, which would lead to a pooling of water resources. This kind of development is the one that the government of Saskatchewan would expect to see in western Canada and the one that would be precluded by the terms of the treaty.

Mr. DINSDALE: Now, because of the peculiar geography and topography of British Columbia, with the barrier of the Rocky mountains, would it not seem to be more feasible for the prairie provinces to concentrate on the Nelson river basin, the Peace and the Athabaska as a more feasible approach. And, I am not speaking in terms of necessarily the engineering or cost factor point of view but, rather, in terms of the politics of the problem.

Mr. CASS-BEGGS: I personally do not believe that the politics of these problems are insuperable among people of good will and I have enough confidence to believe that in time to come—not in my lifetime possibly, or at least in much of it—that there will be a co-operative organization, including not only the prairie provinces but all the provinces in Canada, that will make this kind of development feasible. So far as the technology of this type of scheme is concerned, it is well established. In the United States, for example, here is a tunnel 13 miles long accomplishing precisely this sort of thing, taking water through the Rocky mountains to Colorado. This is the Colorado-Big Thompson project. It takes the water across the continental divide. This is a common practice and should be the type of thing permissible and available in respect of the Columbia.

Mr. DINSDALE: Perhaps it is somewhat reassuring to point out that the chief Canadian negotiator for this treaty, the Hon. Davie Fulton, did state to this committee that full and complete recognition of the needs for the diversion of the Columbia river to meet the so called consumptive needs was given during negotiations. He stated to this committee a few days ago that consumptive needs were considered and that after the expiration of the treaty complete diversion could be taken into consideration to look after the potential needs on the prairies. Are you aware of that statement made by Mr. Fulton?

Mr. CASS-BEGGS: Yes. Our only objection is that this is not in some way or other incorporated in the treaty or the protocol. A practical proposition would be to have the sentiments that have been reported embodied in clear words in an exchange of notes.

Mr. DINSDALE: We have had a long discussion in respect of the legal aspects of that problem and I do not think we were able to come to any conclusions as a result of that discussion. I would say that a statement of that type made by the man who is most concerned should be a reasonably reassuring point.

Mr. CASS-BEGGS: The document Mr. Strayer was quoting from which sets out the principles on which the treaty was negotiated, was approved and signed by Mr. Fulton. This is the document which gives us our cause for alarm.

Mr. DINSDALE: Mr. Chairman, I think this is a matter of interpretation only.

Mr. CASS-BEGGS: Perhaps I may make one further comment. It seems to me that the main grounds for misgivings on the part of the government of Saskatchewan result from the fact that there is no documentary evidence or reference in the protocol to permit the kind of power development that is economically necessary for a diversion for consumptive uses. The treaty, so to speak, provided a pound of flesh but not a drop of hydro, and a pound of consumptive use, but by ruling out the hydro developments there is no possibility in fact of the Columbia river being diverted for consumptive use. If what is said has any meaning in terms of diversion for consumptive uses, surely there should be no objection to making this clear at this time so we will know that water can be diverted for consumptive uses in a multiple purpose project, which is the only method of making such a diversion feasible.

Mr. DINSDALE: I think that is all I wish to say, Mr. Chairman.

The CHAIRMAN: Do you have any questions to ask Mr. Haidasz?

Mr. HAIDASZ: I have asked all my questions Mr. Chairman.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Mr. Chairman I have several very short questions to ask Mr. MacNeill.

Mr. MacNeill, would you turn to page 30 of the Montreal Engineering Company brief, which I think is on the table before you? You will see at the bottom of that page that there is a section dealing with the diversion of the Columbia river waters, and at the top of page 31 in reference to this diversion the brief states:

The need for such diversion in the foreseeable future, however, is improbable and should not be allowed to impede the development of power on the Canadian Columbia river.

As director of the South Saskatchewan Development Commission would you concur in that sentence Mr. MacNeill?

Mr. MACNEILL: No, and I think that should be obvious from our presentation this morning and our forecast of the needs of the prairie provinces for water in the next 30 to 40 years. I have glanced at the Montreal Engineering

report from pages 31 to 35, where it deals with the question of need and apparently dismisses this need. I feel that their entire discussion is based on an erroneous assumption: that there is a necessary correlation between population and water use. The fact is that there is not a necessary correlation between population and water use in a semiarid agricultural area. I think we have only to point to the experience in the United States to prove this.

Perhaps I could just elaborate on this by referring to the table appearing on page 76 of the book entitled "Technology of American Water Development" to which I referred this morning. This table sets out the estimated population, annual withdrawal of water and annual runoff in the United States by States.

In looking at this table we do find that the state with the largest population, California, does have the largest water use. In 1955 California had a population of 13 million and used or withdrew 34 million acre feet of water.

But we also find that the second smallest state in terms of population, Wyoming, withdrew one third as much water as California. In 1955 Wyoming had a population of 306,000 and withdrew 12.0 million acre feet of water. Idaho had a population in 1955 of 609,000 and withdrew 17.0 million acre feet of water. Montana, which is fairly closely related to Saskatchewan and Alberta geographically, climatically and in terms of soils, but does have a much longer history of irrigation and was settled earlier, had a population of 633,000 in 1955 and withdrew 11.4 million acre feet of water.

There is no necessary correlation between population and water use in a semiarid agricultural area. I think the reason for this is that the many demands which give rise to water development are outside of the region. For example, the demand for irrigation water depends on the demand for the products of irrigated land. This market can be and usually is outside of the region and is not related to the region's population. Our potash industry, as I mentioned this morning, is proving to be a major source of water demand. The market for potash, of course, is not only outside the prairie region but mainly outside Canada.

Mr. TURNER: May I ask a supplementary question, Mr. Chairman?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): To your knowledge, did the Montreal Engineering Company approach your organization, or did you hear of them approaching any organization with regard to the prairie provinces?

Mr. MACNEILL: No.

Mr. TURNER: May I ask a supplementary question, Mr. Chairman?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I have only one more question, Mr. Chairman, and then I will have finished.

In the second paragraph on page 31 of your brief the figure of 150 gallons per capita per day is given. Is that in accordance with modern computations of per capita use of water in a modern community?

Mr. MACNEILL: For domestic and municipal use only, 150 gallons per capita per day is normal or even a little high. However, domestic and municipal use of water is one of the smallest uses of water. As I pointed out this morning, the major user of water in the prairie region is and will continue to be irrigation. A second large user will, we expect, be pollution abatement.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Can you tell me if the water table on the prairies has been lowered measurably within recent years?

Mr. MACNEILL: It fluctuates. It was certainly lower in the 30's than it is today. There is very little evidence to establish whether our water tables are stable or rising or falling.

Mr. TURNER: I have a supplementary question, Mr. Chairman.

The CHAIRMAN: Mr. Turner, you are the next member on my list of those who wish to ask questions.

Mr. TURNER: I will first ask a supplementary question.

In your reply to Mr. Cameron in terms of the relationship between water use and population you cited different states and different regions.

Mr. MACNEILL: Yes.

Mr. TURNER: The Montreal Engineering Company reported the use of water to population in respect of a region with an expanding population. Surely to make a proper criticism one has to examine the same region with its anticipated population increases, which is what Montreal Engineering did.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): You have just said they did not examine it.

Mr. TURNER: With great respect to Mr. Cameron—with great respect to his experience and to this late hour—the Montreal Engineering report is based on an increased population in this same region. Therefore I want to ask this witness if he thinks it is fair to question the report on the basis of population as found in several regions where, I admit, the requirements might not relate to the populations in those several regions.

Mr. MACNEILL: Yes, I think it is fair, and I dealt with this question as related to the population of the prairie region in my submission this morning.

You may recall that I pointed out that the average per capita withdrawal of water in the 17 western states was about 3,348 gallons per day in 1955. I guessed that the comparative figure for Alberta would be around 750 gallons per day. I said if we were to take a figure of 3,500 gallons per day and apply it to today's population levels on the prairies, the population of the prairie provinces being 3.1 million, we would have a water use of over 14 million acre feet. If we were to take the average per capita use of water in the 17 western states and apply it to the Gordon commission's forecast of the 1980 population of the prairie provinces, we would have a use of over 18 million acre feet, and applying it to a Saskatchewan government forecast of the year 2000 population of the prairie provinces, 6.5 million, we would have a use of 30 million acre feet.

Mr. TURNER: I have one question for Mr. Strayer because I have sat here patiently all evening without being brought into activity.

This morning and this afternoon we were discussing a legal or constitutional theory to the effect that the federal government would have the right to compel the province within the provisions of the British North America Act to accede to a diversion of water by way of canals or other specific items falling within the federal jurisdiction. I wonder whether Mr. Strayer really meant to adduce the proposition to this committee that the federal government could compel a province to act in respect of water resources.

This morning Mr. Strayer cited, with approval, Mr. Varcoe, the former deputy minister of justice. I want to read to the witness a statement in the form of questions and answers which Mr. Varcoe gave in testimony before this committee on March 18, 1955, in answer to question posed to him by Mr. Patterson:

Q. That is fine, if we can get the answer from another witness later on. Now, regarding the legal position, I asked General McNaughton this question, I believe, and I think that it was suggested that I ask the legal expert regarding the legal position between Canada and the province which might be involved. I am using British Columbia in this case because it has been referred to so much in the debate. I have no reason to surmise that it would be so, but if the British Columbia government

objected to the diversion of the flood waters of the Columbia into the Fraser, which is wholly situated within the province, is there any present legislation which would require compliance?—A. No.

Q. Would the federal government have the right or the authority or be in a position to introduce such legislation in the future?—A. You mean, I presume, would parliament have power to enact legislation to compel or to require some person to divert that stream into the Fraser?

Q. Yes, which is a river entirely within a province.—A. Let me put it this way. The Fraser is a river entirely within the province.

Q. Yes.—A. But the Columbia is not a river that is entirely within the province. The Columbia river is an international river. I have indicated two or three times that I did not think that the province of British Columbia would have the authority to compel the diversion of that stream, because it would affect rights outside the province of British Columbia. Then, applying a principle that every constitutional lawyer in this country now accepts, I think, if the province has not the power to legislate in that way, then it follows that parliament has that power.

Q. Let me just get the answer straight. That means that the federal parliament could introduce legislation. It could—I use the word advisedly—force the provincial government to allow water to be diverted into a provincial river?—A. I would not put it in those words. One government does not force another government. That is not the appropriate term.

Q. I used that term, but can the federal parliament require a provincial government to allow the diverting of an international river into a provincial river?—A. The federal government does not go to the provincial government and say, "You must do this." That is not the way a federation works.

Q. That was not my question.—A. No, that was the way you put it.

Q. I just wanted an answer to the question.—A. As I understood you, you asked whether parliament could force the provincial government to allow the diversion. I do not think that that is a question I can answer.

That was the opinion of Mr. Varcoe before this committee in 1955. He was then the deputy minister of justice. I ask you whether you would not concede that that opinion by the then deputy minister of justice questions the ability of the federal government to compel a provincial government to divert water from an international river.

Mr. STRAYER: Mr. Turner, I am grateful for your research, but I suggest with respect that that is all irrelevant to what I said this morning and this afternoon. I was not speaking in terms of diversions, forced upon the province, into another provincial river. I was speaking in terms of building a diversion system out of the province of British Columbia into another province, and I pointed to the specific jurisdiction on which I suggested the parliament of Canada could rely. I pointed to 92 (10) (a), among others, to which I said Mr. Justice Duff referred in the Water Powers decision in the Supreme Court of 1929 as being authority for the Dominion to construct some sort of connection between one province and another. Clearly, the authority is there.

You were quoting, Mr. Varcoe's statement, I take it, with approval. I do not find anything to quarrel with as I heard the statement, but I would like to read it over at some time. Mr. Varcoe was speaking in terms, however, of compelling a province to do something.

Mr. TURNER: It is stated that

...one government does not force another government; that is not the way a federation works.

Mr. STRAYER: That is all valid, I daresay, but what I was speaking about was something else. I was speaking about the government of Canada undertaking some diversion system. My suggestion was that if the government of Canada and if the parliament of Canada chose to exercise its jurisdiction, it could carry out this diversion and that the matter then would not be so much a matter of provincial ownership of provincial water, but would be a matter coming within dominion jurisdiction and the dominion could carry it out, and if incidentally this action interfered with the province of British Columbia this could not mar the constitutional validity of the action taken by the federal government.

I also agree with Mr. Varcoe that there was no Act on the statute books authorizing such an action to be taken at that time. I am not really clear what was the effect of the 1955 act. I think the hearings to which you refer were hearings being held in connection with passage of that particular piece of legislation. I take it that he was not referring to that particular piece of legislation when he said there was no legislation on the books covering that. I am not sure that that Act might not now cover the situation.

I am not prepared to say there would be no authority for the dominion to carry out some diversion within a province if one could identify some definite national interest involved. Possibly it might be a defence interest. The whole Tennessee Valley Authority project was carried out basically on the defence power of the United States. I can think of possible national interests appearing whereby the government of Canada might step in and do that. What I said this morning had to do with interprovincial diversion and not a diversion carried out within a province or forced upon a provincial government by the parliament of Canada.

Mr. TURNER: Would you not say it would be rather a novel theory unjustified by judicial precedent for a federal government to have the power to compel a province to divert its own water resources.

Mr. STRAYER: No; I would not say that.

The CHAIRMAN: Mr. Herridge.

Mr. HERRIDGE: Mr. Chairman, as I said, I had hoped to have the opportunity to ask several questions of the witnesses, but I am not going to delay the committee at this late hour. I must say that I thoroughly enjoyed listening to the verbal shafts being thrown with impregnable force.

I think, Mr. Chairman, that it is appropriate for us to conclude this meeting with a question related to principles in line with the evidence presented by the witnesses before this committee today. I refer to page 82, at the top of the page:

If the prairie water problem is to be resolved, the development and use of western rivers must be planned from a regional and national point of view.

I think it would be a very nice note on which to conclude this meeting, if you would give us your ideas of how we should proceed to plan the development from a regional and national point of view.

Mr. MACNEILL: Mr. Cass-Beggs and I referred to this earlier today, and I would like to refer the question to Mr. Cass-Beggs.

Mr. CASS-BEGGS: Mr. Chairman, this requires a little bit of crystal ball gazing, as one is looking a long distance ahead. My assumption would be that we will see in the prairie provinces a strong study body looking at the water resources of the prairie provinces, and that this body will take into account the possible diversions, including diversion from the Columbia.

Also, I am confident that that body will approach the British Columbia government, and from discussions I have had with high officials in British Columbia, I am confident that British Columbia will co-operate in studies which involve the diversion of British Columbia waters into the prairie provinces.

When the requirement for water in the prairie provinces reaches the level at which diversion is justified, and provided that the Columbia diversion is feasible under the treaty and is demonstrated to be the most economically attractive scheme, I also am confident that a project will be developed between the four western provinces. I am confident there will be no problem of compensation; and that the scheme, if it is viable economically, will of course include proper compensation. I feel quite confident that this will be a development co-operatively undertaken by the four western provinces with the blessing and if necessary enabling legislation on the part of the parliament of Canada.

Mr. HERRIDGE: Thank you.

The CHAIRMAN: Are there any further questions?

Gentlemen, I do thank you for your great patience tonight. I am sure we all are very grateful to these three witnesses who have been with us for so long. We thank you.

Gentlemen, I am happy to announce that we meet sharply at nine o'clock tomorrow morning when we will have the pleasure of hearing General McNaughton.

APPENDIX Q—1

Table 1

*P. P. W. B. Allocations and Reservations
Saskatchewan River Basin
December 31, 1962*

	<i>Irrigable Acreage Acres</i>	<i>Allocation Acre-Feet</i>
<i>Final Allocations</i>		
Alberta Irrigation	1,256,435	2,237,234
Saskatchewan Irrigation	21,000	55,000
Saskatchewan Other	—	66,886
	<hr/>	<hr/>
Sub Total	1,277,435	2,359,120
<i>Tentative Allocations</i>		
Saskatchewan Irrigation	476,502	971,940
Saskatchewan—Regina and Moose Jaw	—	29,000
	<hr/>	<hr/>
Sub Total	476,502	1,000,940
<i>Reservations</i>		
Alberta Irrigation	250,000	700,000
Alberta and Sask. Small Projects	—	1,000,000
	<hr/>	<hr/>
Sub Total	250,000	1,700,000
Total	<hr/> 2,003,937	<hr/> 5,059,060

APPENDIX Q—2

Table 2

*Estimate of Precipitation and Run-off for
Settled Areas of Canada*

Region	Precipitation	Run-off	
	Depth in Inches	Per Cent of Precipitation	Depth in Inches
Maritimes	41.2	62.0%	25.6
Quebec	37.6	38.6%	14.5
Ontario	30.3	37.1%	11.2
Prairie Provinces	16.6	17.3%	2.8
British Columbia	31.3	78.1%	24.4
	<hr/>	<hr/>	<hr/>
Canada	28.7	47.7%	13.2
	<hr/>	<hr/>	<hr/>

Source: Resources for Tomorrow Conference, Background Papers,
Vol. 1, *Water as a Basic Resource* by D. Cass-Beggs,
Tables 3 and 4.

APPENDIX Q—3

Table 3

*Canadian Natural Flow**
Saskatchewan River Basin

1911-1958

	<i>Average Annual</i>	<i>Maximum Annual</i>	<i>Minimum Annual</i>
	(‘000’s acre-feet)		
South Saskatchewan	7,891	14,591	4,127
River at Saskatoon		(1916)	(1931)
North Saskatchewan	6,312	10,559	3,551
River at Prince Albert ...		(1954)	(1941)
Saskatchewan River	15,152	26,194	8,202
at Nipawin		(1954)	(1941)

	<i>Average Monthly</i>	<i>Av. of Max. Mon.</i>	<i>Av. of Min Mon.</i>	<i>Max. Daily</i>	<i>Min. Daily</i>
	(C.F.S.M)		(C.F.S.)		
South Saskatchewan	10,871	31,343	1,847	138,900	502
River at Saskatoon		June	Feb.	June	Dec.
North Saskatchewan	8,679	21,662	1,230	200,000	395
River at Prince Albert		July	Feb.	July	Jan.
Saskatchewan River	20,868	54,295	3,113		
at Nipawin		June	Feb.		

*Natural flow is the recorded flow adjusted for estimated depletions. On the North Saskatchewan, natural flow is the same as recorded flow, since there are no upstream depletions.

APPENDIX Q—4

Table 4

*Water Supply
Saskatchewan River System*

	<i>South Sask.* River</i>	<i>North Sask.† River</i>	<i>Sask.‡ River</i>
	(millions of acre-feet)		
Average Canadian			
Natural Flow	7.9	6.3	15.1
Average Three-Year ...	5.1	4.2	10.0
Critical Flow	(1935-37)	(1939-41)	(1939-41)
Minimum Year Flow ..	4.1 (1931)	3.5 (1949)	8.2 (1941)

*At Saskatoon

†At Prince Albert

‡At Nipawin

APPENDIX Q—5

Table 5

*South Saskatchewan River Water
Demand and Supply*

(Thousands of acre-feet)

	Early Period	Middle Period	Late Period
<i>Demand</i>			
Tentative dates ¹	1980	2000	2020
Allocations and Reservations by PPWB to 1962 (amount used) ² ..	2,000	5,000	5,000
Additional water use per acre and increased acreage ³	—	2,500	10,000
Industrial and Municipal ⁴	900	2,000	4,000
Diversions to Sub-Basins ⁵	150	300	500
	<hr/> 3,050	<hr/> 9,800	<hr/> 19,500
Less return flows ⁶	350	1,000	2,000
	<hr/> 2,700	<hr/> 8,800	<hr/> 17,500
<i>Supply</i>			
Average 3-year critical flow ⁷	5,100	5,100	5,100
Less flow for pollution control ⁸	2,000	2,000	2,000
	<hr/> 3,100	<hr/> 3,100	<hr/> 3,100
Net supply	3,100	3,100	3,100
<i>Deficiency</i> (surplus)	<u>(400)</u>	<u>5,700</u>	<u>14,400</u>

Footnotes on Table 5

¹ The approximate dates for these conditions have been assumed to be 1980, 2000, and 2020 respectively but a very slow rate of development could delay the occurrence of these conditions by some years.

² These are approximate figures from table 1, page 24, assuming full development by 2000.

³ Allows for an upward trend in water use per acre and an ultimate irrigation of some five to six million acres. See discussion on pages 25 and 26.

⁴ Extrapolated on basis of estimates made for Resources for Tomorrow Conference and assumes 50% of total supplied from South Saskatchewan.

⁵ See discussion of Qu'Appelle requirements on page 30.

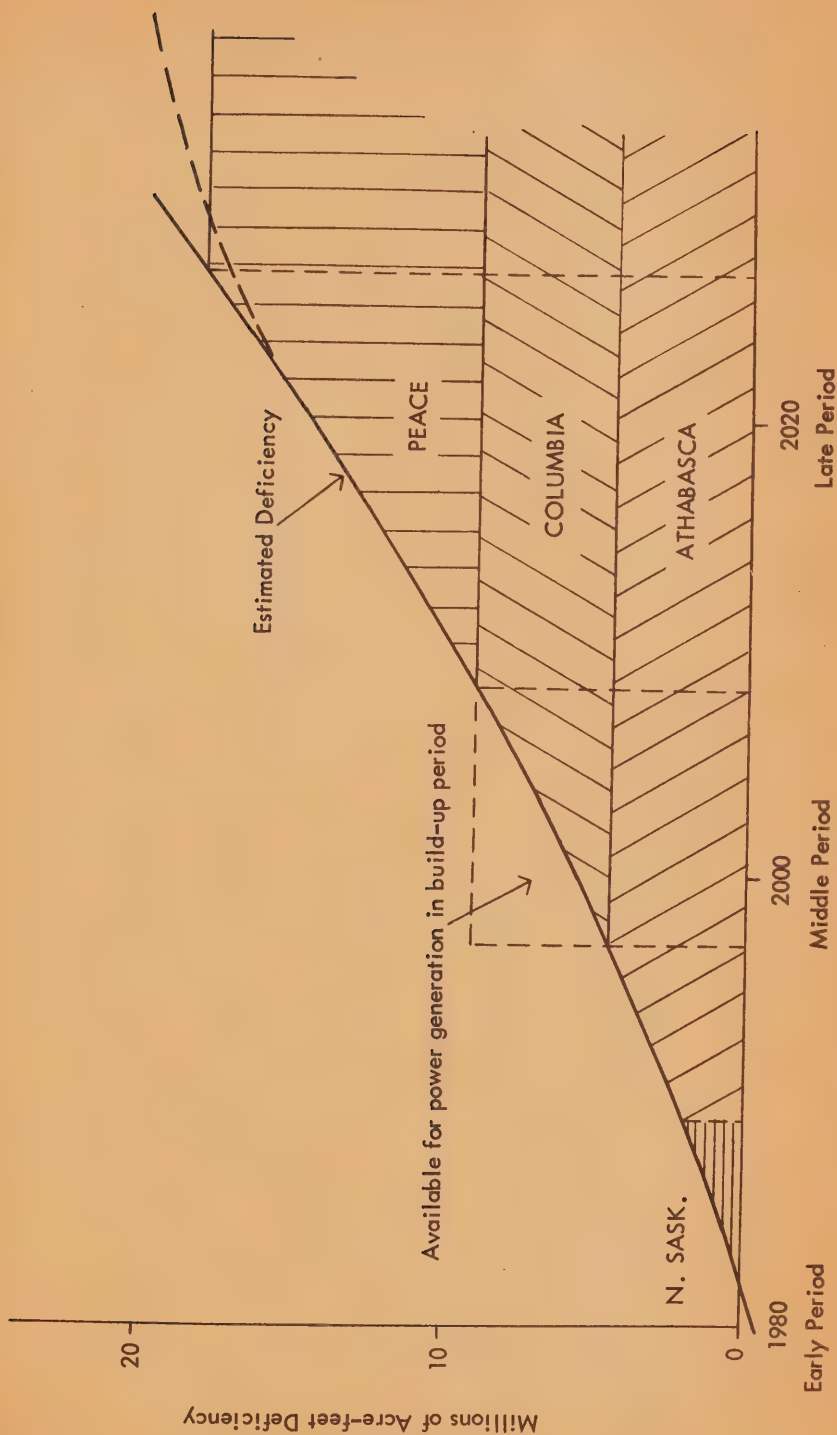
⁶ In practice only return flows to or above the South Saskatchewan Reservoir will be of significance. Figures are based on about 25% of Alberta irrigation requirements.

⁷ See Table 4, page 37.

⁸ See discussion on pages 29 and 38.

APPENDIX Q-6

Figure 2 SOURCES OF WATER TO MEET POSSIBLE DEFICIENCIES IN SOUTH SASKATCHEWAN BASIN.



APPENDIX Q—7

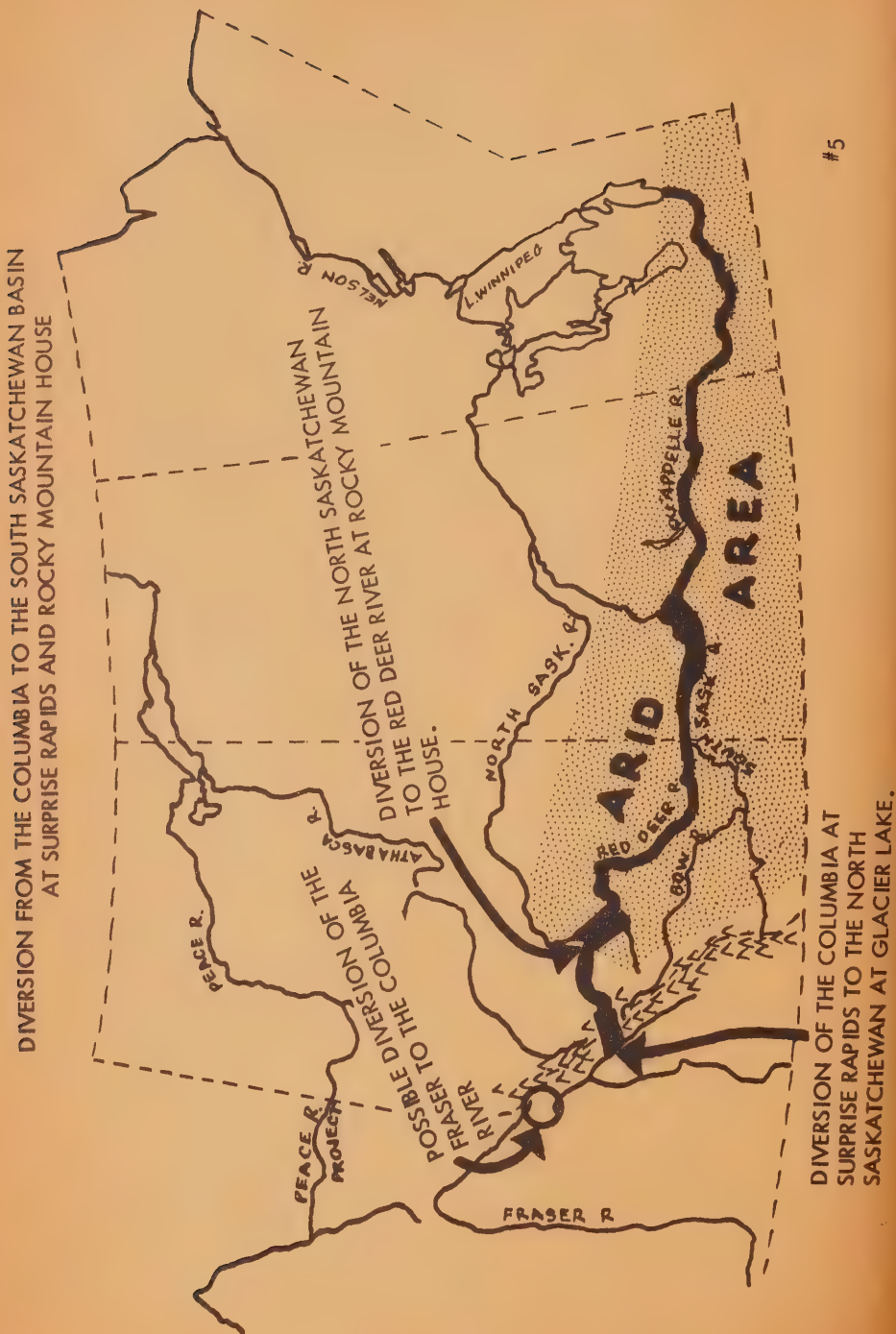
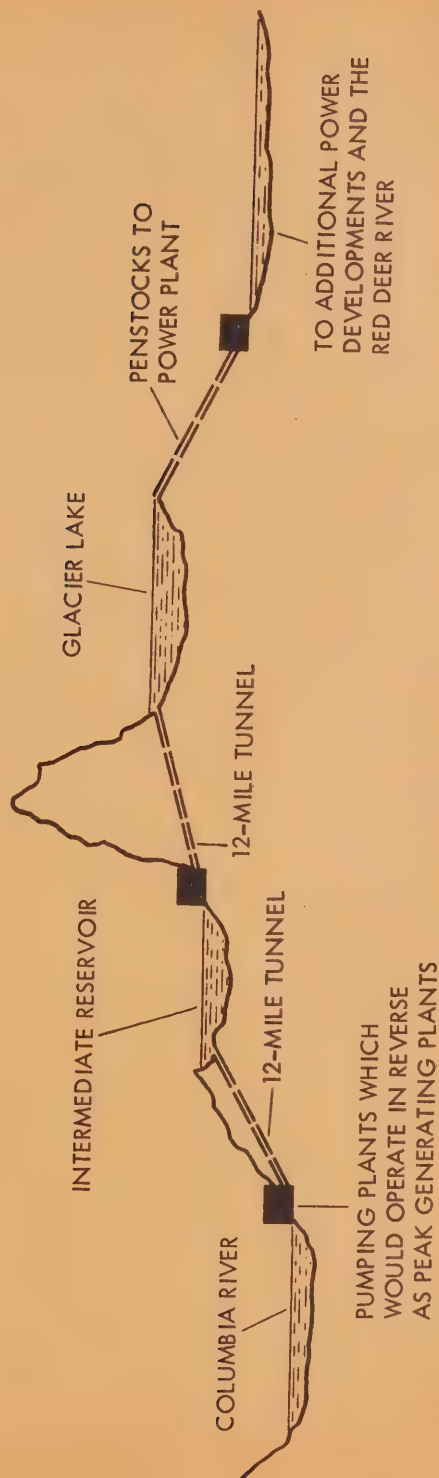


Figure 3 SURPRISE RAPIDS - GLACIER LAKE DIVERSION

(Schematic Diagram)



APPENDIX Q-8

APPENDIX Q—3

Table 6

Capital Costs

Surprise Rapids—Glacier Lake Diversion

<i>Item</i>	<i>Cost in Dollars</i>
Dams and Reservoirs	\$ 42,000,000
Pumping Stations	106,000,000
Tunnels and Penstocks	87,000,000
Sub Total	<u>235,000,000</u>
Engineering, Administration, Contingencies, and Interest during Construction	<u>59,000,000</u>
Total	<u><u>294,000,000</u></u>

APPENDIX Q—10

Table 7

Annual Costs and Revenues
 Surprise Rapids—Glacier Lake Diversion
 Annual Costs

Project: Interest, Depreciation, Operation and Maintenance	\$16,300,000
Compensation to British Columbia	6,000,000
Pumping Power: 12 billion kilowatt-hours at 1.5 mills	18,000,000
Total	<u>40,300,000</u>

Annual Revenues

Sale of Energy:	
6.5 billion kilowatt-hours at 3.0 mills	\$19,500,000
6.5 billion kilowatt-hours at 1.5 mills	9,750,000
Sale of Pumped Storage Capacity:	
1,000 megawatts at \$15 per kilowatt	15,000,000
Total	<u>44,250,000</u>
Excess of Revenue over Cost, say, or 10 per cent	4,000,000
Benefit-Cost Ratio 1.10 to 1.	

HOUSE OF COMMONS
Second Session—Twenty-sixth Parliament
1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 26

FRIDAY, MAY 15, 1964

COLUMBIA RIVER TREATY AND PROTOCOL

WITNESS:

Gen. the Hon. A. G. L. McNaughton

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Brewin,	Forest,	Martineau,
Byrne,	Gelber,	Nielsen,
Cadieux (<i>Terrebonne</i>),	Groos,	Patterson,
Cameron (<i>Nanaimo-</i>	Haidasz,	Pugh,
<i>Cowichan-The Islands</i>),	Herridge,	Regan,
Casselman (Mrs.),	Kindt,	Ryan,
Chatterton,	Klein,	Stewart,
Davis,	Konantz (Mrs.),	Turner,
Deachman,	Langlois,	Willoughby—35.
Dinsdale,	Laprise,	
Fairweather,	Leboe,	
Fleming (<i>Okanagan-</i>	Macdonald,	
<i>Revelstoke</i>),	MacEwan,	

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

CORRECTION (English copy only)

Proceedings No. 22, Friday May 8, 1964

In the Minutes of Proceedings—Page 1093, line 12, should read:

“The Chairman introduced the witness, Mr. Morris, . . .”

MINUTES OF PROCEEDINGS

FRIDAY, May 15, 1964.

(46)

The Standing Committee on External Affairs met at 9.00 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Messrs. Brewin, Cameron (*Nanaimo-Cowichan-The Islands*), Davis, Dinsdale, Gelber, Groos, Haidasz, Herridge, Klein, Matheson, Patterson, Regan, Stewart, Turner, Willoughby (15).

In attendance: General the Hon. A. G. L. McNaughton; Mr. Larratt Higgins.

The Chairman reported on correspondence received. (*See Evidence.*)

The committee resumed consideration of the Columbia River Treaty and Protocol.

At the request of the Chairman General McNaughton read his supplementary brief opposing the Columbia River Treaty.

On motion of Mr. Brewin, seconded by Mr. Turner,

Resolved,—That the statement of Mr. Luce referred to at page 7 of General McNaughton's brief be referred to the subcommittee on agenda and procedure in order to ascertain the best method of obtaining an elucidation of Mr. Luce's statement.

Later Mr. Turner referred to a complete series of articles by Mr. Luce, entitled *Kilowatts Across the Border*, and by leave of the committee, tabled the articles.

By leave of the committee, on motion of Mr. Brewin, seconded by Mr. Herridge, General McNaughton tabled a report prepared by Mr. Larratt Higgins, entitled *Appendix, Economics, Part I Treaty*.

The questioning of the witness being concluded, the Chairman thanked General McNaughton for again making himself available to the committee.

The Chairman announced that a letter has been received from Mr. A. P. Gleave, President, National Farmers' Union, Saskatoon, asking to make a presentation to the Committee. It was agreed that Mr. Gleave should be notified that the committee is prepared to hear his union's representations on Wednesday, May 20th, at 9.00 a.m.

At Mr. Turner's suggestion, it was agreed to postpone the time of the next meeting from 10.00 a.m. to 3.30 p.m. on Tuesday, May 19th.

At 11.30 a.m., the committee adjourned until Tuesday, May 19, 1964, at 3.30 p.m.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

FRIDAY, May 15, 1964

The CHAIRMAN: Gentlemen, I see a quorum.

I beg to report that since my last report to you I have received correspondence in the form of telegrams from the following:

J. E. Ball, President, local 504, United Electrical, Radio and Machine Workers of America, Hamilton, Ontario; local 524, United Electrical, Radio and Machine Workers of America, Peterborough, Ontario. Ottie Ferguson, et al; local 524, United Electrical, Radio and Machine Workers of America, Peterborough, Ontario. Doug Wild, et al; workers in Canadian General Electric Plant, Peterborough, Earl Gordon, et al; workers in the Wiring Devices area of Ward St. Plant, Canadian General Electric, Toronto, Edith Karn, et al; officers and executive, local 521 United Electrical, Radio and Machine Workers of America, Toronto; Industrial heating department, Davenport Works, Canadian General Electric, Toronto; miniature department lamp works, Canadian General Electric, Toronto; tool room, Davenport works, Canadian General Electric, Toronto; workers in quality control area of lamp plant, Canadian General Electric, Toronto; workers in punch press area of Davenport plant, Canadian General Electric, Toronto; miniature special department lamp works, Canadian General Electric, Toronto; potflash department, lamp works, Canadian General Electric, Canadian General Electric, Toronto; maintenance department ward street works, Canadian General Electric, Toronto; coiling department, lamp works, Canadian General Electric, Toronto; department 8057, Canadian General Electric, Davenport works, Toronto; Ward street workers, Canadian General Electric, Toronto; floor service employees Royce works, Canadian General Electric, Toronto; department 8053 Davenport works, distribution area, Canadian General Electric, Davenport works, Toronto; Davenport works, Canadian General Electric, Toronto; stores department, Royce works, Canadian General Electric, Toronto and test department 8058, Davenport works, Canadian General Electric, Toronto; distribution area, Canadian General Electric, Davenport works, Toronto; Davenport works, Canadian General Electric, Toronto; stores department, Royce works, Canadian General Electric, Toronto and test department 8058, Davenport works, Canadian General Electric, Toronto.

In each case these have different signatures but they are written in the same style.

Mr. HERRIDGE: Mr. Chairman, do any of those telegrams support the treaty?

The CHAIRMAN: All these telegrams have been handed to me since I came into this room at 9 o'clock this morning and I must confess I have not had an opportunity of exhaustively examining them. They appear in general to be somewhat similar in terms but I understand we have agreed that names shall not be read into the record. Perhaps you would like to study them.

Mr. HERRIDGE: I did not wish you to deal with them individually but I thought you might give us some indication of the contents.

The CHAIRMAN: I think we did agree not to read a series of names into the record.

Mr. PATTERSON: Mr. Chairman, I wonder whether the members of this committee noted that none of those telegrams have been sent from British Columbia; is that right?

The CHAIRMAN: I am afraid I have not had a chance to examine them in that regard.

Mr. PATTERSON: I think they were all sent from Toronto.

Mr. GROOS: Maybe we will receive some from British Columbia tomorrow.

Mr. BREWIN: Are you suggesting we should not pay any attention to them if they do not come from British Columbia?

The CHAIRMAN: We have agreed to have General McNaughton as our witness today. I think it is agreeable to all members of the committee to simply ask General McNaughton to present his summary.

Mr. PATTERSON: Mr. Chairman, do I understand correctly that we are going to carry right through rather than adjourning at 11 o'clock?

The CHAIRMAN: I would respectfully ask members of this committee to carry right through. We have permission from the House of Commons to do this and of course we do have difficulty co-ordinating our schedule and witness. I do not think it is fair to interrupt what the general wishes to say to us and I hope he will be afforded a chance to put his case as clearly and with as little interruption as possible so that it will appear in the record in a tidy and succinct form.

Mr. TURNER: Mr. Chairman, I note that our next sitting is scheduled for 10 o'clock on Tuesday morning. I wonder whether in view of the long weekend it might not be more convenient to meet again at 3.30 on Tuesday afternoon.

The CHAIRMAN: Is that agreeable?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: General McNaughton, will you commence your statement, please?

General A. G. L. McNAUGHTON:

Mr. Chairman, members of the committee, I appreciate this opportunity to again appear before you so that I can present my views on the Columbia river treaty and protocol in the light of the evidence and opinions which have been presented to this committee in the course of your hearings. All this information I have endeavoured to review to the best of my facilities in the time available and I wish to state with conviction that I have not found reason to alter the conclusions which I have previously reached in the course of my studies in the International Joint Commission and otherwise on the great problems at issue. These conclusions I have already presented to you in considerable detail and this information is now in the record of your proceedings. Accordingly I do not propose, at this time, to repeat what I have stated except in response to any question which may be put to me on particular points on which you may require clarification.

I would like to say that I believe all students of the Columbia imbroglio should be grateful to Mr. Fulton for his account of the negotiations and for his clarification, so far as it goes, of important background events and their drastic effects on the conduct of discussions. In the technical engineering aspects and more particularly in the interpretation and application of the IJC principles you will not of course expect agreement from me in the views he has expressed, because it is evident we continue to differ very seriously as I propose to make clear in the observations which I will make to you today.

May I summarize very briefly the salient points of the position and the essentials of a solution which, in my view, will protect the rights and proper interests of Canada and give to our country, now and in the future, a fair share of the benefits which could result. I think you will agree that such is the bounden duty of everyone of us as citizens of Canada and of the members of this committee very especially both individually and collectively.

The basin of the Columbia in its main course and in its tributaries in Canada contains bountiful resources, in head and in flow, capable of development to produce upwards of four million kilowatts of hydroelectric generation. It is capable also of providing advantageous sites for reservoirs to intercept the floods of spring and early summer in the interest of flood protection in Canada and downstream in the United States where the dangers are many fold greater. These storages may be located at high altitudes, conditioned only by available supply, so that they are above the principal potential sites for generation to even out the flows the turbines will receive throughout the year, as is our present need in the interest of firm power production and to provide the storage of energy in the very large amounts necessary to give flexibility in the operation of these plants, with increased installations, when later required in the most valuable service of assisting to meet the great seasonal upswings in the load which usually results in winter peaks.

For these conditions the availability of stored energy is the prime requirement and in this we should be very grateful to Divine Providence for the remarkable topography with which Canada has been endowed in the Columbia river basin and which permits this aspect to be adequately developed and at the same time to benefit other interests as well and with a minimum of harm to anyone if the locations are properly selected.

I have repeatedly brought to attention that it is essential, in the national interest, that the jurisdiction and control vested in the government of Canada in the Columbia as an international river by the Boundary Waters Treaty of 1909 should not be compromised or surrendered in any way.

This treaty has been in force for upwards of half a century with very considerable satisfaction to both countries.

And, the fact that the upstream state is recognized to have jurisdiction and control of its waters has been fundamental to the solution of the multitude of problems which have been referred to and been resolved by the I.J.C. down the years.

Now that Canada is the upstream state in the particular case before you it is essential that this well established treaty provision should not be compromised. Indeed, I would say to you that no arrangement is tolerable unless this jurisdiction is fully safeguarded both as to right and equally important as to ability to exercise it.

You will recall that in 1959 the I.J.C. was instructed by the governments of Canada and the United States to study the co-operative use of storage of waters in the Columbia river system and to evolve principles to be applied in determining the benefits which would result from the co-operative use of storage and electrical interconnection and the allocation of these benefits more particularly in regard to electrical generation and flood control.

In the light of the foregoing in studies carried out in the I.J.C. a plan of development known as sequence IXa among others was evolved. This in my view represents the plan making the best use of the water resources in head and flow and storage above the boundary on the main stem of the Columbia. This is true not only for Canada but in respect to the United States also. This plan provides all the storage required for flood protection in Canada and also, downstream in the U.S. all requests for this service up to the control of a flood of 1894 magnitude at The Dalles to 800,000 cubic feet per second can be met—it minimizes the displacement of people who cannot be rehabilitated in close vicinity to their present homes—it maximizes power production both at the present when "firm power" is required and later when the need will arise to the seasonal upsurges forecast in the load and which will constitute a much more valuable service.

Sequence IXa provides the 15.5 million acre feet of storage usable for regulation for power and the generation of downstream benefit power until at-site generation comes to be installed in Canada; after which this figure can be maintained at 12.5 million acre feet as has been agreed in the treaty of 1961.

The alternative projects in the Columbia river treaty which are in conflict with sequence IXa are Libby and High Arrow.

I have recommended that both of these projects be rejected and I continue to maintain this position and with increased insistence as details of the relevant information required have become available in confirmation.

Libby, because its construction would deprive Canada of the beneficial use and control of waters of Canadian origin in the East Kootenays—a use to which Canada is fully entitled under the protection of article IV of the Boundary Waters Treaty of 1909 together with the jurisdiction and control reserved to the respective parties by article II of the same treaty.

May I further observe that the use by the United States of these waters at Libby would be an extravagantly expensive matter which is strongly opposed by responsible authorities in the United States unless Canada by the surrender of rights and the assumption of costs should bring the over-all long term benefit cost ratio more nearly to unity. This means in effect that both directly and indirectly the burden of this extravaganza will be thrown on Canada to bear.

As I have pointed out in my Canadian Institute of International Affairs article, copies of which I have presented to you for all practical purposes, if Libby is allowed to be built the United States will become the upstream country on the Kootenai with all the rights and privileges appertaining thereto under the Boundary Waters Treaty of 1909. The naïveté of the proposal is unbelievable because more than $\frac{2}{3}$ of the flows controlled are Canadian in origin with effective alternatives of use available, and the injury to Canada is compounded by the transfer of 150 feet of Canadian head and the flowage associated with it free of cost to the United States for exploitation and with no firm arrangement for the benefits to Canada which could result from its operation. The increase in production of power which may result from time to time in Canada will not be dependable and therefore cannot be classed as "firm power".

Moreover, by process of use of the Canadian waters at Libby and the freedom to make use of these flows for consumptive purposes these rights as exercised will become vested in the United States because with the passage of time the Canadian rights of diversion mentioned in article XIII of the Columbia river treaty (1961) become impossible to exercise and so can be ignored by the United States with impunity in the evolution of their plans. The effect is, I would warn you, that if this treaty and protocol should be approved then Parliament will have permitted an immense irreplaceable resource of ever increasing value to pass out from the sovereignty of Canada for no proper return and for all time. Mr. Chairman and members, I submit this is a most grievous matter.

Since Libby has been supported in the United States primarily from the point of view of flood control locally on the Kootenay and for the primary objective at The Dalles, I would mention that these benefits desired by the United States can be provided in the alternative Dorr-Bull river-Luxor arrangement without undue interference with other benefits.

As regards High Arrow—from the earliest days of consideration of the project, when also it was particularly objected to by representatives of the government of British Columbia, I have opposed this project:

First, because it will destroy the long established communities in the Arrow lakes area with nowhere available in the vicinity for their re-establishment;

Second, it will compromise recreational facilities through the destruction of beaches, spawning beds for fish, cover for wildlife and the like. It will put the very large industry at Celgar, recently constructed, at serious disadvantage in the delivery of their logs all of which, including foreshore clearing, will be very expensive indeed.

Enough information is now available to indicate that very elaborate designs will be required not only for the High Arrow dam but also for the spillway and the energy dissipating works to absorb the very large energy in the design flood which has to be provided for. It is evident these works as well as the dam will be very expensive.

In this connection it is noted that the consulting engineers and others concerned who have appeared before the committee have declined to furnish this information.

I submit that full information as to the design and cost of these vital works should be provided for consideration before this committee takes any conclusion thereon, because these works are to be located in an international river where jurisdiction and responsibility rest specifically on the government of Canada.

In contrast to High Arrow, one very important advantage of the Dorr-Bull river-Luxor reservoir is that in the east Kootenays the valleys are broad with extensive bench lands above the area of flooding but within an elevation of 2-300 feet of the water level to be provided. The Department of Agriculture representative who appeared before this committee on 10 April, 1964, reported that there were some 800,000 acres in this category with prospect of considerable development under irrigation for the forage crops appropriate to the climate of the region.

In the result, in the close proximity of the reservoir to the bench lands, and in welcome contrast to High Arrow, there are opportunities for resettling persons displaced from the flooded areas in locations in which it will be possible to maintain communities under improved economic conditions.

High Arrow has been proposed as a reservoir the principal function of which will be to re-regulate flows from Mica when operated for the Canadian load so that these discharges may be made suitable in phase to satisfy United States requirements downstream. In this it is of little advantage to Canada other than to produce benefits to downstream power in the United States which may be sold.

This function for High Arrow stems from the criteria in annex A para. 7 which is contrary to the International Joint Commission general principles that in a cooperative development each country is entitled to make the best use of its own resources.

The United States requirement for a different phasing of flow can be satisfied in a number of ways at less cost and damage to Canada. These include interconnection arrangements which would probably bring the problem within the limits of solution by Murphy creek storage and power, or alternatively it can be met by the extra flexibility of high altitude reservoirs with large stored energy in Sequence IXa or even by Peace river generation drawing on the very large Peace river reservoir. All or any of these alternatives indicate that High Arrow is not an essential requirement and that its high cost and other, even more serious, disadvantages can be avoided.

In this connection it is of interest to compare the energy which would be stored in the High Arrow and Dorr-Bull river-Luxor reservoirs respectively.

For High Arrow in Canada the storage is 7.1 million acre feet, and this can be used through 52 feet of head only. In Canada, Dorr-Bull river-Luxor has a storage of 5.8 million acre feet, which is somewhat lower than High Arrow but

it can be used through 1,165 feet of average head in Canada, which is getting on towards 20 times more than the case for High Arrow. In the United States, the head for both reservoirs is the same; it is about 1,150 feet of average head. The total head for High Arrow in both countries is 1,202 feet and for Dorr-Bull river-Luxor it is 2,315 feet. If that does not tell the tale, nothing will, because while you can assess reservoirs in relation to flood control in million acre feet—not million acre feet of stored water but million acre feet of space one can create by throwing one's water downstream—when it comes to power, the essential requirement is the energy which is in the water and which can be made available downstream.

In Canada from Murphy, which is an average of 52 feet of head, High Arrow gives 37 megawatts if it is all released. In the United States, in the 1,150 feet it gives 850 megawatts. The Dorr-Bull-river in Canada, in place of giving 37 megawatts gives 675 megawatts, and in the United States, with lower storage, it gives 667. The result is that the total available in the two countries from High Arrow would be 852 megawatts and from Dorr-Bull river-Luxor, even with a smaller storage capacity, it is 1,342.

The best estimates we have to date—and I do not like to use the word “best” in connection with them because both are entirely unsatisfactory—are \$129.5 million for High Arrow and \$212.8 million for Dorr-Bull river-Luxor. No details of either estimate are available, and it is thought from a considerable volume of evidence presented throughout the hearings that the cost of High Arrow may increase very substantially indeed when this committee exercises its rights and insists upon the proper figures being put in front of it by the consultants who are working under the auspices and direction of British Columbia.

Some of the people who have presented evidence before this committee have assumed, rather naively I think, that Canada, through the sharing that is provided for in the International Joint Commission principles, to which lip service has been paid by the negotiators and others, is entitled to half the United States downstream benefits. When one compares the two reservoirs in that way, one is adding to the Canadian entitlement half of the United States benefits. The assessment of High Arrow is 444 megawatts of possible energy release annually and, for Canada, with the Dorr-Bull river-Luxor project, the total is 1,008. That is an increase of 500 megawatt years of energy approximately.

I would like to interject here that stored energy, as has been very well brought out in the hearings yesterday by Mr. Cass-Beggs and his associates, is a very valuable commodity to produce, particularly if Divine Providence does the pumping for you and if, in other words, the water flows into the reservoir naturally. Mr. Cass-Beggs in the course of his remarks observed that, generally speaking, the pumping schemes can be used occasionally in reverse if extra energy is required, and the general value of the water which has been put in storage there is about five mills per kilowatt hour. I invite you to take the additional storage at 600 odd megawatt years in Bull-Dorr river-Luxor and apply that value to that storage. I think my arithmetic is correct and that you will find when we come to system operation in the future that storage has a value of about \$20 million per year extra.

I would observe that under an arrangement for the equal sharing of downstream benefits from upstream storage of Canadian entitlement, benefits from Dorr-Bull river-Luxor will be more than twice as much as from High Arrow. Thus, Mr. Chairman, I repeat that the east Kootenay storage can provide some 675 megawatt years of energy releasable at the Canadian plants and approximately the same amount in the United States plants on the main stem of the river. I say it is some 333 megawatt years that will be

credited to Canada. These represent very large contributions indeed—extra contributions—to the flexibility of our operation which are most important considerations either in relation to firm power or to the heavy seasonal up-swings in the load which are to be expected as the systems mature.

Now, there was a comment in the report by Montreal Engineering Company which was presented to this committee, and perused here. In this report a comparison has been made between the treaty plan with what I could only describe as a fabricated alternative which was said to represent sequence IXa in some stage of this development. What appears certainly are some of the sequence IXa projects but these have been assessed in the framework of the treaty and with none of the corrections, which I regard as essential conditions for acceptance; and, moreover, the estimated costs used for these projects have not been stated nor can this information be ascertained from the report.

I make a correction to that because Mr. Higgins has worked on this and I think he has arrived at some very close estimate of what the Montreal Engineering Company were working with. I say the result of this report is, therefore, a comparison of the treaty with what I might describe as a "straw project" and, if I may say so, a pretty musty one at that!

I am not surprised at the Montreal Engineering Company report because this firm is continuing, as has been the practice in every report of which I am aware which has been called for from any of the engineering groups, whether commissioned by the British Columbia government authorities or by the water resources branch of the department of Northern Affairs and National Resources. This practice is that the terms of reference to consultants have been related exclusively to the treaty and the projects therein specified, and there was no evidence that any consulting group was instructed to give consideration to sequence IXa for comparison. This situation is analysed in some detail in my letter to Mr. Martin dated September 23, 1963 and I invite attention particularly to my recommendation reproduced in your minutes and proceedings number 2, at page 102. I quote:

I do think the responsible government—namely the government of Canada—should not rest until the technical aspects, legal and engineering, have been inquired into and reported upon by independent, fully qualified and responsible consultants in their respective fields and all doubt removed.

And, this is part of the quotation:

Accordingly, I repeat the recommendation given to you—

That is, Mr. Martin.

—in my letter of 22 August, 1963.

This appears at page 95 of minutes and proceedings number 2, and I quote:

I would therefore, and at once, before entering into any further commitment, whether by protocol or otherwise, appoint an independent consultant and call for a report to include the alternatives not yet included in consultant studies—specifically the sequence IXa alternative.

Now, Mr. Chairman, I come to what I think is the most important part of my presentation to you today. I have under my hand the *News Digest* issued by the United States Federal Power Commission under date of April 6, 1964, which is last month. This reproduces a statement made by Charles F. Luce, the Bonneville power administrator, under date of March 22, 1964, and I quote:

Because Canada has insisted upon selling her half share of downstream benefits to United States purchasers, the treaty projects will

throw on the market 3.5 million kilowatts of firm power in the short space of five years.

Assuming that Mr. Luce's figure includes Libby at 544 MW, the United States benefit from the Canadian storages would be:

$$\begin{array}{r} 3,500 \text{ MWY} \\ 544 \text{ ,,} \\ \hline = 2,956 \text{ MWY} \end{array}$$

By the blue book (table 9 and page 99) the Canadian energy entitlement is 572 MWY.

572
This is $\frac{572}{2,956} = 19.5$ per cent of the total downstream benefit in place of the

50 per cent to which Canada would be entitled under the International Joint Commission principles, which is constantly mentioned as the Canadian half; that is, the result is a reduction to about $\frac{2}{5}$ of what was accepted by my colleagues in the United States in very prolonged discussions as a fair division of these benefits.

Gentlemen, I say that this is "shocking" and that it is so unfair in itself as to constitute an adequate reason to reject this treaty. Do not think that this minor portion for Canada is any unexpected outcome to those of us who knew what was in the International Joint Commission principles. If you look at paragraph 4 of the attachment relating to terms of sale, clause B, paragraph 4, you will find the provision that "the United States entity may decide the amount of the downstream benefits for purposes connected with the disposition thereof in the U.S.A."

The U.S. entity is thus set up to multiply their benefits from Canada in the ratio of 5:2 before sale.

Now please look at the situation for Canadian industry under the treaty, and in this I make a most earnest plea to you.

In the arrangements which have been indicated the supply of power will be drawn from the Peace at a price which has been indicated by Mr. Williston to be about 4 mils per KWH, or 1 mil more per KWH than would have been required from the development of the Columbia. This is not cheap power as matters are working out in the Pacific northwest and there is little inducement to new industry to establish in British Columbia with this rate. So, there is little inducement to new industry to establish in British Columbia with these rates, as a result of which the advantageous industrial stimulus which we should have had from the production and orderly marketing of Columbia power, even in export, is to be handed over to the U.S. by the delivery of a vast amount of dump power. This has been described by Mr. Luce as "an opportunity for a strong industrial development program, as a spur to new industries, new jobs, new profits and new payrolls"!

What does this mean? It means that our industries, in place of being stimulated and expanded, are to be brought under the close range competition of new American production with power in very large amounts supplied for half a decade at a small fraction of the unit costs in Canada.

Mr. Luce, in this article, has made special mention of aluminum in the Pacific northwest which in the past even at Bonneville rates has expanded to the limit of power made available. He has said that with the Columbia river treaty, the Bonneville power administration will be able to say yes to requests for industrial power in large amounts.

This means certainly a large increase in production of aluminum within the United States tariff wall that otherwise should have gone to Canadian

industry from Kitimat to Baie Comeau. What will be the loss? Perhaps it may exceed the total return which British Columbia seeks in the cash sale of downstream benefits.

Gentlemen, I speak with some, though not recent, familiarity with this question, because when the parliament of this country brought before it the project to build what is called the Kaiser dam, our aluminum people were alarmed at the consequences of the dumping of a far less amount of regulated flows in the United States to be used in the aluminum industry. Under direction of Mr. Howe and the economists of the Department of Trade and Commerce, I had an opportunity to speak with many of the leaders of the aluminum industry in Canada who wished to find out from Mr. Howe actually what was meant. It was largely because of the results of those talks that Mr. Howe recommended, and the government of Canada of the day accepted, that the International River Improvements Act should be passed and an end put to a policy of that sort. As I say this means, certainly in this case, a large increase, much, much more damaging to the Canadian industry than the Kaiser dam would have been.

I mention that one mill adds to the unit cost to be delivered in British Columbia over the period of the sale agreement, and crediting the supply of about $1\frac{1}{2}$ million kilowatts to Peace river represents something like \$390 million of extra burden put on the people of British Columbia in getting these benefits. That is only one part of it. The real damage will come from the displacement of production in Canada in the metallurgical field most particularly. I say to you those damages may run into the billions. Also, it may mean that once having been put behind the eight ball in these matters, it will be exceedingly difficult after the United States goes back to higher prices, when the dumped power is used up, to re-establish our position in the markets of the world.

It may well be that in the extra costs of power to industry generally in British Columbia, and in the losses incurred by putting the United States in the preferred advantageous position that, on net balance, we will have very seriously damaged our interests.

Mr. Chairman, I submit it is a primary responsibility of this committee to resolve these problems and not to allow such a disaster to our industry and our labour to overtake us.

As a final word, I repeat my advice that this treaty should be rejected and a new start made. If you return to the work of the International Joint Commission, there is every reason to believe that a fair and equitable deal to both parties can be made.

I submit, on the basis of very extensive evidence and study, that the general principle of development should be that given in sequence IXa, and above everything the principles recommended by the International Joint Commission, and not as destroyed by the negotiators. In the International Joint Commission, we were in close agreement with our United States associates with regard to an arrangement which was equitable and advantageous and recognized as such by both parties.

Mr. Chairman and members of the committee, in the decision of these matters very grave responsibility indeed rests on the government of Canada, as the constitutional guardian of our rights and interest, that harm will not come either now or to future generations of Canadians.

Mr. Chairman, I conclude.

The CHAIRMAN: Thank you, General McNaughton. If this concludes the hearing, I would like to thank General McNaughton on behalf of our committee for his patience with us. Certainly you have shown yourself to be in command

of many facts in answering the many questions almost off the top of your head when you were here before. I do not know how you do it, general.

Mr. McNAUGHTON: From the very beginning I felt that my duty to Canada first and foremost is to use every endeavour I could to see to it that these arrangements which seemed to be evolving were certainly not passed until they had been presented and the parliament of Canada had been given a proper opportunity to consider them.

Mr. TURNER: Mr. Chairman, is the general open to questions?

The CHAIRMAN: Yes.

Mr. TURNER: I have one question to put to the general.

Mr. McNAUGHTON: May I interject? I see that the copies which I had put together very briefly now are available.

The CHAIRMAN: They were distributed.

Mr. BREWIN: On a point of order; one item referred to in the first page of the insert says Mr. Higgins has worked out in detail an analysis of the Montreal Engineering Company report. It goes on to say, "On his behalf I table his report". This we do not have. I think we should have it.

Mr. McNAUGHTON: I am sorry if I overlooked that. This is an economic analysis of the Montreal Engineering Company report.

The CHAIRMAN: This is something which comes fresh to my hand. It has 13 pages which are entitled "Appendix, Economics, Part I Treaty," and is signed by Larratt Higgins. Is it the pleasure of the committee that this now be introduced?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Yes.

Mr. BREWIN: I so move, if the committee wishes to examine Mr. Higgins on it. I do not know the contents of this; I have not seen it. Very obviously, however, it is a matter of very great interest and importance to the committee.

The CHAIRMAN: I have a motion by Mr. Brewin, seconded by Mr. Herridge.

Mr. BREWIN: Mr. Chairman, I am not suggesting that this just be put in without examination. I think the members of the committee would like to have an opportunity to look at it and question Mr. Higgins about it.

The CHAIRMAN: It is my understanding that we have concluded with the questioning of Mr. Higgins. But of course I am in the hands of this Committee. We had Mr. Higgins as a witness on April 29, both morning and afternoon, and it was my understanding, and the minutes would so indicate, that the examination of Mr. Higgins had been concluded.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): If any of the witnesses are available and prepared to come, possibly this committee should be prepared to receive them. I myself would request the re-appearance of certain government witnesses in the light of evidence which has been given before this committee.

Mr. PATTERSON: If we are going to start and go over it again and receive witnesses who have already presented their statements and evidence, then just where is this thing going to end?

Mr. STEWART: On a point of order, I do not see why we have to have a complicated argument about this. General McNaughton is presenting this document as a footnote to his statement today. I cannot see why this raises for us the prospect of Mr. Higgins appearing again before the committee. That is another question entirely. I presume the general would not have asked to have this tabled if he did not endorse what is in it. So it comes before the committee as a tabled document at the request of General McNaughton.

Mr. HERRIDGE: I think that is very reasonable.

The CHAIRMAN: Are we ready for the question?

Mr. BREWIN: May I say as a general matter that while it is true we do not want to go on calling witnesses indefinitely, there are some central issues in this whole matter. I have heard various members of the committee refer from time to time to the report of the Montreal Engineering Company as being something that impressed us. Here we have a key piece of evidence produced by General McNaughton, but with an analysis made by Mr. Higgins, and Mr. Higgins is here. I think it would be doing a grave injury to the deliberations and completeness of the deliberations of the committee if we do not hear Mr. Higgins. Not only should we file the document, but if any member of the committee wants to address a question to Mr. Higgins relevant to it, or to General McNaughton, he should be free to do so. I personally do not want to. I have not even had the time to read it. But I am quite sure we are not going to get ourselves into the position where on key issues, where important information is available, we say for some formal reason that we are not going to hear it.

The CHAIRMAN: We have a motion before us.

Mr. TURNER: What is the motion?

The CHAIRMAN: The motion is that the document be tabled. May we have a vote on it?

Mr. TURNER: I agree.

The CHAIRMAN: Those in favour? Agreed. Those opposed? Nobody.

Motion agreed to.

The motion is carried. Thank you, general.

Mr. TURNER: I have a question of the general.

The CHAIRMAN: Oh, I am sorry.

Mr. TURNER: On page 7 of your supplementary brief which you read this morning, you have made a calculation in which you come to the conclusion that only 19.5 per cent of the total downstream benefits accrue to Canada instead of 50 per cent, and you base that conclusion on a statement by Charles Luce in the *News Digest*, that the treaty projects will throw on the market 3.5 million kilowatts of firm power in the short space of five years.

Mr. McNAUGHTON: Would you mind repeating your question?

Mr. TURNER: Very well, I will repeat my question. You referred to a statement reported in the *News Digest* by Charles Luce to the effect that the treaty projects would throw on the market 3.5 million kilowatts of firm power in the short space of five years.

Mr. McNAUGHTON: That is right.

Mr. TURNER: It was on the basis of that statement that you made a mathematical calculation and concluded that only 19.5 per cent of the total benefits would accrue to Canada.

In the statement by Mr. Luce that 3.5 million kilowatts of firm power would be thrown on the market in the short space of five years, do you have any way to indicate whether Mr. Luce included United States projects now under construction, such as Wells and Bruce-Eddy, in his statement, or whether the power was to come from all Canadian storage, or from Libby?

Mr. McNAUGHTON: It is quite likely for Mr. Luce to be on the conservative side and to have deducted Libby. But when I read this through this morning I believed that Libby was not included in the three and one half million kilowatts of firm power to which Mr. Luce made reference.

Let me read again what Mr. Luce said:

Because Canada has insisted upon selling her half share of downstream benefits to United States purchasers, the treaty projects—

I think I made a mistake in deducting Libby at 544 megawatts, so the comparison probably ought to be 3,500,000 kilowatts of firm power to be thrown on the market in five years. This appears in the blue book figures as 572 megawatts in the last year. So the percentage should be worked out on a ratio of 572 to three and one half million. These are ascribed to the treaty projects.

Mr. TURNER: I would like you to tell us whether you know if Mr. Luce included the United States projects in that 3.5 million or 3,500 megawatts, or just the Canadian, because it makes a big difference, if he is talking about United States or Canadian entitlements down in the United States.

Mr. McNAUGHTON: These are the key words "the treaty projects".

Mr. TURNER: It does not say whether it includes United States projects or not.

Mr. MACNAUGHTON: Yes, it does. The treaty project will throw on the market three and one half million kilowatts of firm power. It is the treaty projects which will add this three and one half million.

Mr. TURNER: By firm power we understand capacity entitlement.

Mr. MACNAUGHTON: No. Firm power means firm power. It is made up of two components, capacity entitlement, and energy entitlement.

Mr. TURNER: In your fraction of 572 MWY over 2956, from which you derive 19.5 per cent, have you not ruled out the energy entitlement as found in the blue book as the numerator, with your capacity entitlement as the denominator, and compared things which cannot be compared?

Mr. MACNAUGHTON: No.

Mr. TURNER: You should not compare energy entitlement with capacity entitlement because to do so would be like comparing apples to oranges.

Mr. MACNAUGHTON: That is not the case.

Mr. BREWIN: Let us hear the witnesses' answer. Mr. Turner is shouting at the witness and stopping him from giving an answer.

The CHAIRMAN: No, Mr. Brewin, that is not right and I will be quite zealous in seeing that the general is afforded an opportunity to answer. If there are supplementary questions I will allow them if put in a proper manner.

Mr. TURNER: Mr. Chairman, if I have raised my voice it has been in an effort to get my questions across over the voices of Mr. Cameron and Mr. Brewin.

Mr. HERRIDGE: We did not even murmur while you were carrying out this shouting exhibition.

Mr. TURNER: You have never murmured in your life.

The CHAIRMAN: Gentlemen, I do not think that is fair. Both today and yesterday members have been a little careless in respect of this chattering. I perhaps should point out that Mr. Cameron has brought this to my attention.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I have not been chattering.

The CHAIRMAN: I should like to ask the members to allow General McNaughton to answer the questions. I do not wish to cut anyone off who is desirous of putting a supplementary question, if put properly.

Mr. McNAUGHTON: Mr. Chairman, we have been provided in some of the consultants' reports a very clear-cut definition of what is meant by firm power, what is meant by prime power, how prime power is related to firm power, and how energy and capacity are involved in these matters. I say to you that what is being compared in the statement I made is firm power, measured as it is usually convenient to measure it, by the energy component with sufficient

capacity, I assume, to be available to peak that amount of energy. We are comparing two identical things and not introducing oranges and bananas, or oranges and lemons, and I would hope that Mr. Turner would take the opportunity of looking at the precise definitions of these things.

I think the statement made by Mr. Luce must come as a great shock to the government of Canada because, as I look at the blue book at page 93 in a paragraph at the bottom I find the following statement:

The actual benefits purchased are unknown while alternatives in the United States would have produced a known amount of power.

It does not seem to me that in negotiating these sales agreements our people knew the tremendous increment of firm power to be made available to industry with the consequential damage to Canadian industry which would result from that power mentioned by Mr. Luce. I am being generous to them in suggesting that they were not aware of this situation because I think had they known they would be guilty before history for allowing a proposition such as this to come forward. Their only excuse may be ignorance and that is not a very good excuse.

Mr. TURNER: Mr. McNaughton, you do not agree with me then when I suggest to you that the firm power—and by firm power I understand it to mean capacity entitlement—is used in your fraction comparing capacity entitlement with energy entitlement and, therefore, you have created this fraction from two figures which should not be compared?

Mr. McNAUGHTON: No, sir. I do not agree with you

Mr. BREWIN: Mr. Chairman, I do not know whether I should call this a point of order, but it seems to me that this matter is of crucial importance.

Mr. STEWART: Mr. Chairman, would you ask Mr. Brewin not to murmur? I should like to hear what he is saying.

Mr. BREWIN: I am sorry. I did not know I was murmuring. I suppose we have become used to loud clear voices. I will try to compete with some of the others here.

It seems to me this is a matter of very grave importance. I understand the General has said at page 7 of his statement that the statement made by Mr. Luce, who is the administrator of the Bonneville Power Corporation and, therefore, presumably knows what he is talking about, indicates as a result of the treaty projects the United States market will receive 3.5 million kilowatts of firm power.

Mr. TURNER: Mr. Chairman, is this a question?

Mr. BREWIN: No this is not a question and I did not intend it to be a question.

The CHAIRMAN: Perhaps you would make your point, Mr. Brewin. I do not wish to cut you off.

Mr. BREWIN: Mr. Chairman I must explain why I think this is a matter of grave importance. If what I say in respect of the treaty is true, we will receive about two fifths of the total amount of benefits we would receive under the agreed principles for these payments. By my reckoning this runs into something of the nature of half a billion dollars. Two fifths, as I recall what we are to receive, is something in the order of \$400 million. If we were to receive 50 per cent it would be approximately one billion dollars. The amount involved is tremendous. General McNaughton is suggesting the government of Canada would presumably be shocked by this figure. Mr. Turner on the other hand has asked some questions which throw doubt on the validity or significance of this comparison. I would think this is a matter of sufficient importance that this committee would endeavour to see whether it can, by calling Mr. Luce or communicating with him, ascertain precisely the basis

for this statement and its relevance to this issue. If the statement is correct and if the interpretation which General McNaughton has given to it is correct, as he himself has said, I think for the gravest reason we should reconsider this treaty. I should think the government of Canada, if it is responsible, should also consider the situation and perhaps alter its adamant stand in respect of this treaty.

Mr. TURNER: Mr. Chairman I should like to reply to what Mr. Brewin has said. The general today has taken an isolated statement attributed to Mr. Luce. I assume he has not spoken to Mr. Luce to find out what this statement means. He has taken that statement without telling this committee whether the phrase "treaty project" includes the contemplated United States projects which would be built independently as a result of the controlled water. In addition to that, he has derived a result on the basis of a fraction which is not mathematically accurate because it uses as a nominator and denominator two different elements, capacity entitlement and energy entitlement. On the basis of that situation I do not see how Mr. Brewin's argument can withstand scrutiny. This is merely an equation derived from an isolated statement in respect of which we have no background whatsoever.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Mr. Chairman, I would point out that the treaty projects are clearly defined in the documents that have been placed before this committee and do not include any projects in the United States with the exception of the Libby dam.

Mr. TURNER: We do not know what Mr. Luce means by the phrase "treaty project".

Mr. BREWIN: I think we should find out what he does mean.

Mr. HERRIDGE: Yes, let us find out what he does mean.

Mr. GROOS: Mr. Chairman, I think these remarks introduce a matter of importance that should be clarified. I should like to suggest that it be clarified in one way or another but I leave the method to the discretion of this committee.

The CHAIRMAN: Gentlemen, I note the following facts and I am reading from paragraph 7 of General McNaughton's statement wherein he states:

I have under my hand the *News Digest* issued by the United States Federal Power Commission under date of 6 April, 1964—that is, last month. This reproduces a statement made by Charles F. Luce, the Bonneville Power Administrator, under date of 22 March, 1964,

Gentlemen you will recall that General McNaughton was our witness on April 20, 21, 22 and 23. Today is May 15, 1964. Personally I fail to see what is startling now about something that was obviously published prior to the first appearance of General McNaughton. Perhaps that is not germane to our discussions, but you have raised this point and perhaps we should address ourselves to this question.

Is it not properly referable to the steering committee?

Mr. BREWIN: I would be glad to move that this be referred to the steering committee to consider what means they can adopt. I would personally suggest an endeavour to get Mr. Luce himself to come and explain not only what he means but the basis of his statement. If I understood the general correctly, he said that the statement was a shocking indication that we have accepted as our entitlement a small fraction of that which we were supposed to secure under the principles which were the basis of this treaty. That is no small matter either in dollars and cents or in principle. It may be that, as Mr. Turner has suggested, there is some misunderstanding involved in this statement. Mr. Luce's statement is not in itself, without his presence here, particularly

probative, but this is a grave matter and I will move that this be referred to the steering committee in order to secure from Mr. Luce, in whatever way they can and as soon as they can, an elucidation of this statement.

Mr. TURNER: I will second that.

The CHAIRMAN: All those in favour?

Motion agreed to.

The CHAIRMAN: I wonder if this would be a proper question to put to the general: When did this come to his attention?

Mr. BREWIN: It would be proper but not particularly important, I would think.

Mr. HERRIDGE: Is it the function of the Chairman to suggest leading questions?

Mr. TURNER: I think so.

The CHAIRMAN: Actually, in parliamentary practice it is sometimes quite helpful.

Mr. BREWIN: I have no objections to putting the questions but I do not see its significance. The content is what is important and not the date.

The CHAIRMAN: The only point that comes to my mind at the moment is this: I had hoped that the general would be accorded an opportunity to summarize the submissions which he made in earlier days. After all, there was a good deal of questioning, and I was hoping that his submission would permit the general in a sense to produce arguments and to put his case so neatly packaged that it would be uninterrupted in the record. I find at the very end of it, what would appear to be and what was characterized by you to be, Mr. Brewin, a bombshell. If this is something that has just in this last short while come to the attention of Mr. Larratt Higgins or General McNaughton, perhaps we should know about it. However, if it was known on April 20, 21, 22 and 23, then perhaps it is not anything very newsworthy, this statement which was presumably made by one Charles F. Luce on March 22, 1964 in a well known news digest, and on April 6, 1964. In other words, perhaps it is something easily answered.

Mr. BREWIN: Mr. Chairman, with respect, it was my statement on which you were commenting. I do not know when General McNaughton first heard of this statement, but I suggest to you that it is the content of the statement that is significant. The precise moment at which it became known to someone is not of such importance, but perhaps we should have been informed of it sooner. Nevertheless, we are informed of it now.

The CHAIRMAN: I am very surprised that we are informed of it now in what I thought was a summary.

Mr. DINSDALE: It seems to me that this item deals with one particular point. It could be left in the hands of the steering committee, as was recommended by this committee, and it might be handled by letter, by wire, or by telephone in communication with Mr. Luce to see what he was talking about.

The CHAIRMAN: Gentlemen, it is agreed that the matter will be referred to the steering committee.

Mr. DINSDALE: I want to refer to the general's opening sentence.

I would like to say that I believe all students of the Columbia imbroglio should be grateful to Mr. Fulton for his account of the negotiations and for his clarification, so far as it goes, of important background events and their drastic effects on the conduct of discussions.

I am sure we can all agree with General McNaughton in that regard because it was an enlightening and helpful statement, but I would like to ask

the general a question in regard to one that I had asked when he was before the committee on the previous occasion, dealing with this matter of the recommendation of the treaty to cabinet. At that time the general said that he would not answer the question because it was a matter of cabinet secrecy. Now, Mr. Fulton pointed out—and this was formally presented in his statement—that while the general had reservations concerning certain physical aspects, he did not oppose a recommendation to cabinet. Is that a correct statement?

Mr. McNAUGHTON: It is not completely correct; it is one of these partial statements which is misleading. I have been considering this matter. I have not attributed any ill-faith to Mr. Fulton in his view of what happened, but what I would like to tell you is that, as I told the committee before, when that decision was made I was very upset because I believed, and I still believe, that a very adverse decision to the proper rights and interests of Canada had been taken, and I was anxious to become disassociated with it—in fact I was very upset.

However, and this Mr. Fulton did not mention, the day before this conclusion went to the cabinet there was another meeting at which Mr. Fulton and I were present and I made it very clear indeed that there should be no doubt in Mr. Fulton's mind or in the mind of anyone present at that meeting that I felt so intensely about the rights of Canada that I was going to oppose it in every proper way which was open to me. There were a number of proper ways that were open, and one of those ways was the right of parliament to call anyone who had any knowledge of these things before this committee, and that is why I am here now after three years or so of waiting—I am here to give you that information. There has never been any doubt, except possibly owing to a confusion, that I had not the intention of pressing this thing to a conclusion by every means and in every form which was open to me. That policy I followed, and it is because of that, that I sit here today talking to you.

Mr. DINSDALE: But I think we should be fair to Mr. Fulton. On that occasion he added the proviso, and these are his words, "I must preserve my right of freedom of expression". Mr. Fulton quoted General McNaughton as having made that proviso.

Mr. McNAUGHTON: I heard those words of Mr. Fulton but they do not appear in his text; those were extra words that were inserted.

Mr. DINSDALE: Yes, during the course of his debate.

Mr. McNAUGHTON: I have been looking forward to being able to read the proceedings of that meeting to show precisely what Mr. Fulton did, but I was very careful not to attribute ill-faith to Mr. Fulton—I have attributed misunderstanding. However, long before the draft treaty got through the final stages of consideration at which I participated, and before it was presented to the cabinet, there was no doubt whatever in the mind of Mr. Fulton that I was going to oppose him in every seemly and proper form, and that I have done so and will continue to do so.

Mr. DINSDALE: The meeting to which you refer, which was subsequent to the final meeting where it was agreed by all participants that the recommendation would be made to the cabinet, was the only meeting of the negotiating team that I attended. I had just been appointed minister and I was impressed—I was sitting in as an observer—with the feeling of unanimity that prevailed at the time.

It seems to me that any additional meetings on this point to which you have referred would have included myself, as the Minister of Northern Affairs and National Resources. I have no knowledge of any such meeting. What was the nature of the meeting? Was it a cabinet committee? Was it the committee of technical advisers?

Mr. McNAUGHTON: No, it was not a committee of those; it was a meeting at which there were two ministers present, as far as I recall, together with some other advisers. This took place after that meeting. I have not my notes on this matter here, but I have a note somewhere giving the dates, times and so on and having what was said written down precisely. Because of what my staff had told me, to the effect that I may have created a feeling of chucking my hand in at the other meeting, I made it abundantly clear just where I stood on these matters.

Mr. DINSDALE: Then it was a meeting of the cabinet committee on the Columbia?

Mr. McNAUGHTON: No, it was a meeting of the chief negotiator, who was Mr. Fulton, and the minister of external affairs. It was a meeting at which I was invited to be present. That is certainly where I made it clear to Mr. Fulton.

Personally, I do not attach the same sort of significance to this as you appear to attach to it, Mr. Dinsdale. You are welcome to assess these as you wish. I have told you that I was confused. If I created a misapprehension in the minds of the people with regard to my position, I took the very first opportunity given to me by the minister to whom I was responsible to straighten out that matter; and it was straightened out before the document in question went to the cabinet.

Mr. DINSDALE: I think, as Mr. Fulton indicated in his presentation to this committee, the crucial moment of decision was that final meeting of the whole negotiating group at which it was unanimously approved that the recommendations should be made to the cabinet. Do you not think that was the time at which the ultimate protest should have been made?

Mr. McNAUGHTON: I do not think so, Mr. Dinsdale. There were a good many procedures through which this draft treaty went. There was the meeting of the technical committee, and it was finally approved by the cabinet. To my knowledge, it was discussed line by line and clause by clause. Whether any changes were made, I cannot recall at this time because the documents are not available.

I have had some experience in these matters with various governments and other people, and I can say there is a good deal of procedure that follows a meeting of a technical committee.

The point I want to make to you is that Mr. Fulton was under a misapprehension with regard to what was in my mind. Before there was any decisive action by the cabinet of this country I put that matter straight.

Mr. PATTERSON: May I ask a supplementary question?

The CHAIRMAN: Mr. Patterson.

Mr. PATTERSON: Was this meeting to which the general refers a formal meeting of one of the groups or was it more or less a private meeting?

Mr. McNAUGHTON: Mr. Patterson, I would not describe any of these matters as formal meetings because, as you must know, these things were dealt with pretty much on an ad hoc basis by the ministers who were particularly concerned. Very often we were called in to discussions, leaving one meeting and being invited to go straight up to the external affairs minister's office to go on with the discussion with one or two ministers who were particularly concerned with some aspect of it.

Mr. PATTERSON: So this was not necessarily a formed meeting of any groups?

Mr. McNAUGHTON: I would not say so from memory.

Mr. DINSDALE: According to Mr. Fulton's testimony, he was not aware of any such contact.

Mr. McNAUGHTON: I happen to be in a position to be able to prove this because I wrote it down on the back of one of the documents, and by the grace of the Lord it has turned up—not that it is any evidence. I wrote down exactly the words which I used at the time at which I said them, and I am prepared to swear to them.

Mr. DINSDALE: General McNaughton, if you felt as strongly about these matters as you appear to feel at the present time, and if you wanted to retain freedom of expression, would the best method of achieving that freedom of expression, as a public servant, not have been to tender your resignation, which would have given you complete freedom of expression and would have been effective protest?

Mr. McNAUGHTON: That is a possible course, but it is not a practical course. In the first instance, I still had an opportunity to make representations to members of the cabinet committee who were particularly concerned with these matters, and that is what I sought to do in the first instance.

Mr. DINSDALE: But the treaty was to be signed in January of 1961.

Mr. McNAUGHTON: That is perfectly true. However, when one is on the brink of a disaster, even if one has only a few days left, one should make the best use of them.

Mr. DINSDALE: As it appeared in the course of the committee hearings, you made no public protest until April of 1962. Is there any particular reason why there was that delay?

Mr. McNAUGHTON: I do not know that there was any particular reason one way or the other. I was still praying that at the last minute something might happen, that there would be realization of the dangers of this wretched treaty. I was praying for that until the last minute.

Mr. DINSDALE: The final question I would like to ask you, general, is this: as Mr. Fulton pointed out, he had reservations on certain aspects of the treaty and he took the matter, in the democratic manner, to the people of British Columbia in the most direct way possible—by an appeal at the polls. The people of British Columbia rendered their verdict in no uncertain terms. This is a political decision. We all say that democracy is not necessarily the most efficient method of government. I think it was Sir Winston Churchill who said "Democracy is the worst form of government except all other kinds". However, Mr. Fulton took this issue to the people of British Columbia. They rendered their verdict. Are you quarrelling with that verdict?

Mr. McNAUGHTON: No, I do not regard the British Columbia verdict as determinative, if I may put it that way. This is a matter that affects the whole of Canada and my responsibilities, as I saw them and as I see them, are to Canada. I have endeavoured to discharge my responsibilities.

Mr. DINSDALE: I have no further questions.

Mr. McNAUGHTON: We may differ, Mr. Dinsdale, but I have told you what I feel about this matter and I can tell you this: I have studied this matter and I am entirely satisfied that I had not only the right to do what I have done but I had and have the bounden duty to do it. That is why I am here before you today.

Mr. DINSDALE: A proviso on that: the treaty was signed; the decision was made at that important final meeting of the negotiating committee. It seems to me that a more effective protest could have been made immediately following these events because democratic decisions were being made. As I say, it would appear to me that a more effective protest could be made immediately following the events rather than delaying until April, 1962.

Mr. McNAUGHTON: I have two comments on that. With your long political experience, Mr. Dinsdale, I bear tribute to your judgment and I think in your

mind you probably think it is right. Now, I do not think this is right and, what is more, there was no decision being made at that time because everything that was being done was done subject to reference to this committee. Under those particular circumstances, with the knowledge and information which I had, may I repeat again, that I feel it was my duty to leave no stone unturned to ensure that when the time came and the opportunity was presented I would be able to speak freely to this committee. Where would I have been if I had recommended this wretched treaty?

Mr. DINSDALE: You spoke freely before the committee and you started speaking publicly in April, 1962. Why the delay up until that point?

Mr. McNAUGHTON: In April, 1962, I ceased to be the chairman of the Canadian section of the International Joint Commission. There was, if you recall, some doubt about whether this reference to this committee was going to be made effective and when that doubt arose I felt I had to take a more active part. There is another aspect to it as well. I may say in the early stages I had, as Mr. Fulton indicated, dealt mostly with the engineering and technical aspects of the treaty and I had assumed unfortunately, I think, that these other aspects were straight forward. It was not until after I left the International Joint Commission that I was able really to get down to systematic article by article and clause by clause study of this treaty as a whole. It was then I began to find out what the maze of pitfalls in respect of Canadian interests were; so, instead of allaying my anxieties they increased them very materially.

Mr. DINSDALE: I recall at the last meeting, the only meeting I attended, the treaty was gone through carefully clause by clause and acted upon so, I think, everyone participating was fully aware of the treaty terms.

Mr. McNAUGHTON: My judgment would be that it is not so, not that I am questioning your word or opinion. But, I do not think there was that result.

Mr. DINSDALE: Now, Mr. Chairman, Mr. Fulton said most of the wording of the treaty was negotiated by Canadians and this was discussed thoroughly by all groups in the negotiating team.

Mr. McNAUGHTON: I shrug my shoulders; in other words, express polite doubt.

Mr. TURNER: Mr. Chairman, I wonder whether the general has the other series of articles Mr. Luce did write in the *News Digest*?

Mr. McNAUGHTON: He had a long series of other articles which I have read. However, I have not them with me, although I could get them.

Mr. TURNER: I happen to have these.

The CHAIRMAN: Gentlemen, we were thinking of concluding today.

Mr. HERRIDGE: There is a long way to go on the subject.

The CHAIRMAN: I was going to suggest that the committee authorize the chair to see if Mr. Luce could come next Wednesday. Although this may not be possible I thought I would mention it.

Mr. TURNER: That may not be necessary. The answer we are seeking is found in the second of a series of these articles, and I want to read the appropriate one to General McNaughton.

In the last of a series of articles the sentence the general read is found, and I quote:

Because Canada has insisted on selling her half of downstream benefits to United States purchasers, the treaty projects will throw on the market 3.5 million kilowatts of firm power in the short space of five years—from about 1968 to 1973.

That is the sentence which was quoted, and this is from the last of a series of articles.

In the second series of articles in the same magazine there are these three sentences, and I would ask General McNaughton to write these figures down because they will add up to 3.5 million:

Canada's share is 1.4 million kilowatts initially. This is half the extra power to be produced at federal and PUD downstream U.S. dams as a result of three storage dams Canada is to build under the treaty. The U.S. share is the other 1.4 million kilowatts of downstream power benefits, plus some 650,000 kilowatts to be produced at site and downstream from Libby dam in Montana, which the treaty permits us to build.

I will put this to you: 1.4 million kilowatts which Mr. Luce says is Canada's share, plus the other 1.4 million, which Mr. Luce says is the United States share—and the words "their half" have been used—plus the 650,000 kilowatts to be produced at site and downstream by the Libby dam which the United States will build independently under the treaty, adds up to 3.5 million kilowatts. Would that not indicate to you then that on the basis of these figures Canada does get one half of the downstream benefits as calculated by Mr. Luce himself and on the basis on which he arrived at the latter figure of 3.5 million kilowatts?

Mr. McNAUGHTON: Do you want me to answer that?

The CHAIRMAN: Yes.

Mr. McNAUGHTON: I do not agree with Mr. Turner's calculations.

Mr. TURNER: This is what Mr. Luce says.

Mr. McNAUGHTON: I happen to be working on this specific thing. Now, I gladly brought in the fact that Libby is included because in my second reading of it I felt that Libby should be included, that it could be interpolated, and I used the figures which the negotiators themselves had given us in the report of October 19, 1960, namely 544 megawatts as the total firm power benefit or prime power benefit for this Libby project, and I deducted Libby because we get no benefits for Libby.

Mr. DAVIS: Yes, we do.

Mr. McNAUGHTON: I deducted that from the 3½ million, which leaves 2,950,000 megawatt years of total benefit that came to the United States because they bought out everything we have in the way of benefits. We have none left unsold. The figure of 2,956,000 is the net benefit after deducting and giving the United States credit for ownership. So, I have the figure of 2,956,000 which is the benefits in firm Canadian energy they have been able to obtain.

If you look at the same year in the blue book you will find that the Canadian entitlement, which is part of what is sold, is 572. Therefore, if we were working on the proportion we were going to get, it is 572 for Canada out of the total downstream benefit of 2,956,000. Honestly, Mr. Chairman, I do not believe you can put those figures in any other way.

Mr. TURNER: Now, general, are you not satisfied, from the words I have read from this article, where Mr. Luce says Canada's share is 1.4 million kilowatts annually, that this is half the extra power to be produced under the treaty?

Mr. McNAUGHTON: No. This statement you have made is not true.

Mr. TURNER: And Mr. Luce is your authority?

Mr. McNAUGHTON: One way or another a lot of people have been talking glibly about the half share downstream benefit Canada gets. By the time our negotiators got through with it, the half share has been reduced to something very much less than a half share. So, I am not prepared to accept that statement, whereas I am prepared—and I have based my argument on these—to accept these specific words, and I stand by them.

Mr. TURNER: Let me put another question to you. Mr. Luce is talking about kilowatts, which I understand are capacity. The figure you used in your fraction, 572, is megawatt years?

Mr. McNAUGHTON: Of energy.

Mr. TURNER: Energy.

Mr. McNAUGHTON: Yes.

Mr. TURNER: So. Mr. Luce is talking about capacity which I suggested to you earlier, and you are talking about energy. Do you now agree with my reference to apples and oranges?

Mr. McNAUGHTON: You are in the same difficulty a lot of people get into over many of these things. First of all, we have been dealing with the United States and prime power. Then, we have the average annual usable energy, or words to that effect, and then we have the capacity which is the general rate of work. What we have here is that Mr. Luce uses the term firm power.

Mr. TURNER: And he explains how he got that figure of 3.5 million firm power. It is kilowatts.

Mr. McNAUGHTON: I am using the specific figure of firm power that Mr. Luce made use of in the quotation I used.

Mr. TURNER: You do not agree you are taking Mr. Luce's figure referring to capacity and converting it into megawatts which is energy?

Mr. McNAUGHTON: No. I have done a conversion which is entirely right for both sides, and that is to compare the energy.

Mr. TURNER: Would you turn to page 99 of the blue book from which you have derived your enumerator, and look opposite the year 1974 in the sixth column which is agreed entitlement. We are talking about capacity now. You see the figure 1385. This is Canadian entitlement. Mr. Luce says Canada's share is 1.4 million. Is that not a close approximation—1,385 megawatts with 1.4 million; does not Mr. Luce's figure agree pretty well with that of the Canadian government?

Mr. McNAUGHTON: There is no question of a close approximation. I am working from a specific statement made by Mr. Luce. I had seen, generally, the statement to which you are referring, and have scanned through it, but I never have read it in any detail.

Mr. TURNER: You do not agree that Mr. Luce's estimate of Canada's share is within 15 megawatts of Canada's own calculation in the blue book?

Mr. McNAUGHTON: No; I am not prepared to admit that.

Mr. DAVIS: Within one per cent?

Mr. TURNER: Within one per cent. Thank you, general.

The CHAIRMAN: Are there any other questions?

Mr. BREWIN: Mr. Chairman, I would like to try to understand this matter a little more fully. Your figure of 572, which you use here, General McNaughton, I think is taken from page 99 of the blue book.

Mr. McNAUGHTON: I took it for the last year—the energy component of the last year to which Mr. Luce has referred. That was the most favourable.

Mr. BREWIN: We have the Canadian entitlement under Table 9. It seems it is in two sections, energy entitlement and average megawatt years, and the figure of 572 does come from the energy entitlement in megawatt years. Now, if you look at the next column over from that, it refers to capacity entitlement in megawatts. The figure for the last of the five years corresponding to 572 would appear to be 995. I am only speaking without any explicit knowledge on this subject, but it does appear that Mr. Luce's statement refers to kilowatts of firm power. While I do not think one should be using the figure 1385 which

Mr. Turner used, I still would be interested to hear your explanation of why in making this comparison you took the figure 572 rather than the figure 995?

Mr. McNAUGHTON: Before you can get to the energy component you have to multiply energy by the load factor. The capacity given or the capability is the rate at which the power can be produced. That is what Mr. Luce is referring to in one paper, and in my paper we are dealing with the energy which is produced. I am submitting that this thing which I am comparing is how much energy we were going to receive. At this stage I am not interested in the capability figures; they may be any claim up to the limit of what can be installed in the system. They will get bigger and bigger, and of course at lower and lower load factors as time goes on. As a matter of fact, it is completely illusory to make comparisons on that basis, because we all know when the time comes to handle these big upswings of power to help relieve the thermal plants, which give us our flexibility and capability we can get on the system, the amount of ratio of the load we actually supply to the maximum load—the load factor—will fall lower and lower and probably go down to 10 per cent. So, if you start comparing on a capability basis, you are not even comparing oranges and bananas; you are comparing something which is entirely illusory.

Mr. BREWIN: Do you say then that Mr. Luce's statement about the treaty projects flowing on the market 3.5 million kilowatts of firm power is equivalent to saying that is the energy in megawatts that will be put out. You used the figure 572.

Mr. McNAUGHTON: It might depend on how he has used his words. He very well might have said, you multiply the capability by the average load factor which the United States considers is 73.6 per cent for the whole thing. I think you will find that one of the things is that in these two statements there is indecision with regard to what is meant, whether prime power or the energy component; but firm power is something which is very specific.

Mr. BREWIN: Are you saying there is some indecision on Mr. Luce's part?

Mr. McNAUGHTON: You have a number of powers which depend on definition. Our American friends use the term prime power. I think if you look at the negotiator's report of October 19, 1961, you will see that all the benefits are given in terms of prime power. Prime power means the energy you have there with the understanding that sufficient capability is available to peak that energy at the load factor which is under consideration.

In the case of that report it was 73.2 per cent load factor. But the energy stated is in terms of prime power as a total, and that is the figure that must be used for this sort of comparison by the United States.

Another form which this expression might take is average annual usable energy, and that includes not only the firm power but also the secondary power. These definitions are very important, and you are liable to become caught between them if you are not very careful about what you are comparing, whether it be oranges or bananas.

Mr. BREWIN: Are you satisfied that the comparison which you made, which you show at the bottom of page 7, is, as far as you can judge, from Mr. Luce's words, the correct one?

Mr. McNAUGHTON: Yes, I am satisfied. I pondered it very carefully during the last few days when I was preparing this submission, trying to decide first of all whether Mr. Luce had included the Libby project in the 3.5 million. First I thought he might have, and later on I thought he might not. I have given the best conservative statement that I could and I have deducted Libby before I made a comparison of the Canadian entitlement.

Mr. BREWIN: The Chairman suggested before that we find out from you when you became aware of this article? Do you recall when it was?

Mr. McNAUGHTON: Yes, I do. I receive a mass of these papers. My engineering friends throughout the country are good enough to send me odd bits of information. In fact I would be in a very bad way without them. This was among a bunch of papers which I started to go through within the last four or five days when I was beginning to put everything together for this presentation today. Talk about a bombshell! When I read this it struck me as a bombshell. It struck me that I should at once report and bring it to your attention because it illustrates in the most graphic fashion what will happen to Canada as a result of the treaty, should it be ratified.

Mr. BREWIN: You say this was only in the last four or five days?

Mr. McNAUGHTON: That is all.

Mr. TURNER: When you came across the last of the series of articles, did you happen to come across the second of the series?

Mr. McNAUGHTON: I received the articles and put them to one side with the thought of reading them carefully. There are three or four of them, if I remember correctly, and I marked them to be read when I got the first opportunity.

Mr. TURNER: I am prepared to table the entire series of articles by Mr. Luce with the consent of the committee. I suggest to the committee that in view of the fact they are the authority on which the general appears to depend, we should take them, especially in view of the fact that Mr. Luce in the second article says:

Canada's share is 1.4 million kilowatts initially. This is half the extra power to be produced at federal and P.U.D. downstream United States dams as a result of the three storage dams Canada is to build under the treaty.

The United States' share is the other 1.4 million kilowatts of downstream power benefits plus some 650,000 kilowatts to be produced at site and downstream from the Libby dam in Montana which the treaty permits us to build.

That is to say Canada is to receive one half of the downstream benefits from the Canadian dams as she was entitled to under the treaty, and that there is no longer any confusion about this point, and that in the circumstances the confusion has been cleared up, and that Mr. Luce's testimony—

Mr. HERRIDGE: In your own mind.

Mr. TURNER: In any rational mind; I mean the confusion has been cleared up, and that the only thing Mr. Luce could do would be to clarify what he has already stated so clearly in this series of articles.

The CHAIRMAN: Is it agreeable that these articles be tabled?

Agreed.

Mr. BREWIN: I have no objection except to say that by doing so we would be rescinding a motion we have already passed.

The CHAIRMAN: What was the motion?

Mr. BREWIN: That the statement be referred to the committee in order to ascertain the best method of obtaining elucidation of Mr. Luce's statement in the light of what the general has told us this morning. Mr. Turner's rational mind may be entirely at ease about this matter, but some of us perhaps do not have that degree of rationality, and I would like the matter to be looked into much more carefully.

The CHAIRMAN: That is something you might bring to the attention of the steering committee. In fact you have already brought it to their attention, and by the time of the steering committee's next meeting, the tabled material will be available to every member of the committee for study.

Mr. BREWIN: Not only that, but to study what General McNaughton just told us a few minutes ago.

Mr. McNAUGHTON: Mr. Turner used a word which I cannot accept. There are two aspects of this presentation; one is, by comparison with downstream, reducing it to a fraction of the downstream benefits that we are supposed to get. I would draw to your attention that the most serious part of my statement depends on the specific statement of Mr. Luce in the comparison when he said that 3.5 million kilowatts of firm power were to be made available in a very short period in the United States system. That is capable of an enormous stimulation to industry in the United States, and it is apart altogether from the comparison. But I will iron that out with Mr. Turner when I have had a chance to read the article. However apart from that, this is a colossal amount of power to be made available to stimulate United States industry, and it will be at a very, very cheap rate.

I have said we are going to have high priced power in Canada, and I say to you that we stand in jeopardy that our aluminum industry from coast to coast is going to be ruined.

Mr. TURNER: I would ask the general if that is not a different point.

Mr. McNAUGHTON: There are two aspects to the same case.

Mr. TURNER: What did this 3.5 million kilowatts mean? The second of the series of articles explains that 1.4 million kilowatts are Canada's share and 1.4 kilowatts are the United States share.

Mr. McNAUGHTON: You are perfectly right Mr. Turner in that regard because I did refer to two different things. One is the menace that is being created and the other has reference to the sharing of our own benefits. I think both of these things should be considered. I hope Mr. Turner and I will be able to get together and straighten out this comparison. I will show Mr. Turner some definitions.

Mr. BREWIN: Mr. Chairman, I wonder whether I may be allowed to ask one or two further questions. I should like to try to understand the situation.

The 1.4 figure which was referred to in the earlier statement seems to be very close to half of the 2.956 figure which appears at page 7 of this statement. The only difference seems to have reference to the figure 544 megawatts attributed to the Libby project as compared to the 650 megawatt figure. As I understand the General, he states that payments to Canada are based upon the 572 megawatt figure which is quite different from the 1,400 megawatt figure. I feel this situation requires clarification. I do not think there is an apparent inconsistency between the previous statement and the deductions which the General has made because the difference is minimal. This is apparently something else which requires further elucidation.

Mr. McNAUGHTON: When you refer to power generally you must be very careful because, particularly in the United States, they follow the custom of using prime power or usable energy and there is room for argument. There is no room for argument in respect of this particular statement because the phrase "firm power" is used and I know what that is. I will have to look at the documents to which Mr. Turner has referred before I can decide what is being said.

The most important part of my warning which I have given solemnly today is related to the fact that this is a great amount of power, however you measure it, being made available as a menace to Canadian industry and we are responsible in this regard.

Mr. BREWIN: General McNaughton, could you remind me of the basis of Canada's payments? Perhaps if I look at page 99 it will be of some help. There is reference there to estimated Canadian entitlement covered by the

two figures in respect of energy and capacity. This is what is used as a basis of reckoning the actual payment and forms part of the 416 million figure as calculated; is that right?

Mr. McNAUGHTON: As I understand the negotiators' report, we have reached an agreement that the energy is worth 2.7 mills and the capacity is worth \$5.50. With knowledge of the load factor, I can use the proper components of capacity and the amounts of energy and bring it into terms of dollars and cents. There is nothing abstruse about this.

Mr. BREWIN: Referring to the years 1972 and 1973, neither of the figures 572 and 9.95 are those upon which the payment is based; is that right?

Mr. McNAUGHTON: That is right.

Mr. BREWIN: In order to make a correct calculation you must still work out a formula?

Mr. McNAUGHTON: The capability represents the rate at which one can deliver energy. That which you want to put back in at the downstream end is energy, not a rate. Capability represents the real measure of flexibility of a system to meet these peaking requirements. If there is a sudden demand for extra power the phase angle of the alternators change a little bit and automatically deliver energy up to the capability of the system. Assuming we have a capability of one million kilowatts of machine capacity and there is a 73.2 per cent load factor, the system would work at 73.2 per cent of the ultimate. That is the firm energy we must use for comparative purposes.

Mr. BREWIN: According to the statement made by Mr. Luce earlier, and I am not referring to the one reproduced in your statement, we are entitled to a payment on the basis of the 1.4 figure; is that correct?

Mr. McNAUGHTON: I cannot answer that question because I have not read the articles involved. I do not know what Mr. Luce is referring to, but I do know that which I have stated.

The CHAIRMAN: Gentlemen, if we have concluded our questioning of General McNaughton I should like to thank him on behalf of all the members of this committee, and thank Mr. Higgins who has been with the general today giving assistance.

Prior to announcing the time of our next meeting I should like to report that I have received further correspondence in the form of letters from the following: Mrs. E. H. Davidson, Victoria, British Columbia.

Mr. HERRIDGE: She is a wonderful lady.

The CHAIRMAN: Thank you Mr. Herridge. I have also received letters from W. Bailey and other employees of the Canadian Locomotive Company Limited, Millard and Lumb Company Limited and S. Anglin Company Limited, Kingston, Ontario; a letter to accompany the original telegrams and signatures signed by John E. Ball, president of local 504 of the United Electrical Radio and Machine Workers of America, Hamilton, Ontario; a letter from A. P. Gleave, president of the National Farmers Union, Saskatoon, Saskatchewan.

Mr. HERRIDGE: That is good.

The CHAIRMAN: Thank you Mr. Herridge.

Mr. DINSDALE: You are doing very well.

The CHAIRMAN: I intended to ask the members of this committee whether they would authorize the Chairman to invite a representative of the National Farmers Union to appear before this committee at 9 o'clock on Wednesday morning next.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: We will now adjourn until 3.30 p.m. May 19.

Mr. PATTERSON: In respect of the farmers union, are we calling for a representative to appear?

The CHAIRMAN: No. They are asking to be allowed to appear.

We will meet again at 3.30 p.m. on Tuesday May 19 at which time our witness will be Glifton H. Parker, representative of the International Union of Operating Engineers.

Thank you.

HOUSE OF COMMONS

Second Session—Twenty-Sixth Parliament

1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 27

WEDNESDAY, MAY 20, 1964

COLUMBIA RIVER TREATY AND PROTOCOL

WITNESS:

Mr. G. M. MacNabb, Water Resources Branch, Department of
Northern Affairs and National Resources.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

5. Your subcommittee considered a letter from Mr. F. J. Bartholomew pertaining to evidence he had given before the committee.

Your subcommittee recommends that Mr. Bartholomew's letter be included as an Appendix to the printed Proceedings. (*See Appendix R.*)

6. Your subcommittee considered the resolution passed at the meeting of May 15th, namely:

"That the statement of Mr. Luce referred to at page 7 of General McNaughton's brief be referred to the subcommittee on agenda and procedure in order to ascertain the best method of obtaining an elucidation of Mr. Luce's statement."

Your subcommittee recommends that Mr. Luce be not called, but that copies of the complete series of articles be reproduced for distribution to members of the committee.

7. Your subcommittee discussed the desirability of calling Mr. James Ripley. A motion that Mr. Ripley be not called was carried, on division.

Your subcommittee therefore recommends that Mr. Ripley be not called.

8. Your subcommittee recommends that Mr. G. M. MacNabb, Water Resources Branch, Department of Northern Affairs and National Resources, be heard on Wednesday, May 20th.

Mr. Byrne moved, seconded by Mr. Willoughby, that the report of the subcommittee be approved.

Mr. Herridge, seconded by Mr. Cameron (*Nanaimo-Cowichan-The Islands*), moved in amendment that:

1. Norman Baker be allowed to appear;
2. The International Union of Operating Engineers and the National Farmers Union be given another week in which to appear;
3. Mr. Ripley be called;
4. Consideration be given by the subcommittee to meetings in Vancouver and the Kootenays.

After discussion, and the question having been put on the amendment of Mr. Herridge, it was resolved in the negative on the following division: Yeas, 2; Nays, 13.

The question having been put on the main motion of Mr. Byrne, it was resolved in the affirmative on the following division: Yeas, 13; Nays, 2.

It was agreed that a statement tabled by General McNaughton pertaining to the evidence he gave before the committee on May 15th be printed as an appendix to the Proceedings. (*See Appendix S.*)

The Chairman announced correspondence received since the last meeting. (*See Evidence.*)

The committee resumed consideration of the Columbia River Treaty and Protocol.

Mr. MacNabb was called and read a prepared statement. Later he agreed to have copies of his statement available for distribution at this afternoon's meeting.

During his presentation, Mr. MacNabb tabled the following documents which the committee directed be published as appendices to the Proceedings:

Chart entitled *An Example of Primary and Secondary Flood Control Storage in the Arrow Lakes*. (See Appendix T.)

Correspondence with Montreal Engineering Company Limited concerning factors affecting the cost of Columbia River Power in Canada. (See Appendix U.)

Chart entitled *Storage Project Evaluation*. (See Appendix V.)

Letter from Montreal Engineering Company Limited providing additional information on their studies of the Columbia River. (See Appendix W.)

An article entitled *The Proposed Columbia River Treaty* by General A. G. L. McNaughton, as published in the Spring 1963 issue of *The International Journal* with comments by the Water Resources Branch, Department of Northern Affairs and National Resources.

(Note: This document will be included as an appendix when permission to reproduce General McNaughton's article has been obtained from the editor of the *International Journal*.)

At 11.00 a.m. the committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(48)

The Standing Committee on External Affairs reconvened at 3.30 p.m., the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Konantz and Messrs. Brewin, Byrne, Cadieux (Terrebonne), Cameron (Nanaimo-Cowichan-The Islands), Davis, Deachman, Dinsdale, Fleming (Okanagan-Revelstoke), Forest, Gelber, Groos, Haidasz, Herridge, Kindt, Macdonald, Matheson, Nesbitt, Patterson, Pugh, Regan, Stewart, Turner, Willoughby—(24).

In attendance: The same as at the morning sitting.

The Chairman reported on correspondence received since the morning sitting. (See Evidence.)

Mr. MacNabb distributed copies of the statement he had made at the morning sitting and was questioned.

It was agreed that Mr. MacNabb would again be available for questioning on Thursday, May 21st.

At 5.45 p.m., the committee adjourned until Thursday, May 21, 1964, at 10.00 a.m.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, May 20, 1964.

The CHAIRMAN: Gentlemen, I see a quorum.

I beg to present the ninth report of the subcommittee on agenda and procedure of the standing committee on external affairs. The subcommittee on agenda and procedure met on May 19, 1964, and agreed to report as follows:

1. Your subcommittee considered a telegram from Norman G. Baker of Vernon, British Columbia, requesting permission to present a brief. Your subcommittee understands that Mr. Baker does not represent any organization and is not in a position to present any new information.

Your subcommittee therefore recommends that Mr. Baker not be invited to appear.

2. Mr. Clifton H. Parker, International Union of Operating Engineers, Vancouver, who was scheduled to appear Tuesday, May 19, advised that due to reasons beyond his control he was unable to appear on that date.

Your subcommittee recommends that Mr. Parker be notified that the committee will hear him on Friday, May 22, at 9 a.m.

3. At the committee meeting of May 15 your Chairman read a letter from Mr. A. P. Gleave, president of the National Farmers Union, in which he requested permission to present a brief. At that time the committee agreed to hear the National Farmers Union brief on Wednesday, May 20 at 9 a.m. Mr. Gleave subsequently advised that he would be unable to appear at that time, but will submit a written brief for consideration.

Your subcommittee recommends that a representative, or representatives, of the National Farmers Union be offered the opportunity to appear on Friday, May 22, at 9 a.m.

4. Mr. J. D. McDonald, Rossland, British Columbia, has asked permission to present a brief and, in accordance with a recommendation of your subcommittee, approved by the committee on May 13, was offered the opportunity to appear on May 19. Copies of Mr. McDonald's brief were distributed on May 13. Mr. McDonald has since advised that he is unable to appear unless his expenses are paid.

Your subcommittee recommends that, since Mr. McDonald would appear at his own request, his expenses be not paid.

5. Your subcommittee considered a letter from Mr. F. J. Bartholomew pertaining to evidence he had given before the committee.

Your subcommittee recommends that Mr. Bartholomew's letter be included as an appendix to the printed proceedings.

6. Your subcommittee considered the resolution passed at the meeting of May 15, namely:

"That the statement of Mr. Luce referred to at page 7 of General McNaughton's brief be referred to the subcommittee on agenda and procedure in order to ascertain the best method of obtaining an elucidation of Mr. Luce's statement."

Your subcommittee recommends that Mr. Luce be not called, but that copies of the complete series of articles be reproduced for distribution to members of the committee.

I would advise the committee that it is anticipated that copies of that series of articles will be available for distribution before the adjournment of today's meeting.

7. Your subcommittee discussed the desirability of calling Mr. James Ripley. A motion that Mr. Ripley be not called was carried, on division.

Your subcommittee therefore recommends that Mr. Ripley be not called.

8. Your subcommittee recommends that Mr. G. M. MacNabb, water resources branch, Department of Northern Affairs and National Resources, be heard on Wednesday, May 20 (this day).

Gentlemen, may I have a motion to approve the report of the subcommittee?

Mr. BYRNE: I so move.

Mr. WILLOUGHBY: I second the motion.

Mr. HERRIDGE: Mr. Chairman, I wish to oppose this motion to adopt the report of the subcommittee, and I do so for several reasons although I found myself in the committee in a minority of one. First of all, there was a letter written to the committee by a Mr. Norman Baker who comes from Vernon, British Columbia. He informs me that he is a member of the Progressive Conservative party. That does not make any difference to me when it comes to getting facts on this treaty. He has attended national conventions of the Progressive Conservative party. I think he informed the committee that he had some new information to present to the committee. This man has travelled up and down the Kootenays at no expense to the government; he has published pamphlets at no expense to the government. I was rather surprised that the member for Okanagan-Revelstoke was unwilling to vote in favour of Mr. Baker coming before this committee. When you get a Canadian citizen willing to spend his own money and do a lot of travelling and make a close study of this situation I think we should then recognize interest in this question by permitting him to come before this committee at no expense to the government of Canada.

My next point is that I do not think sufficient time has been given to the International Union of Operating Engineers to appear before this committee. We are not rushed for a few days. They are now in the process of getting the support of the unions connected with the British Columbia Hydro and Power Authority for their presentation, and I think they should be given a day or two extra. They found it impossible to appear yesterday.

With respect to the National Farmers Union, this is a national organization whose representatives want sufficient time to appear before this committee. I do not think they have been given sufficient time when they were asked to appear here not later than May 22. I do urge consideration be given to letting them come a few days later.

I now wish to come to the question of Mr. Ripley. Both members of our group and myself were very keen to have Mr. Ripley appear before this committee in view of what happened in the committee with respect to criticisms of his article. Many members I think referred to it as libellous and scandalous, and Mr. Fulton also thought it scandalous. The man has a right to defend himself. At that time there were loud and indignant calls for Mr. Ripley's appearance before the committee. Now, Mr. Ripley did appear; he was seated in this committee room and he was prepared to come forward when the

committee voiced its wish to have him come. I was rather surprised when later on we picked up a note that had been addressed to one of the Liberal members by you, Mr. Chairman, which informed this member that you saw Mr. Ripley in the committee room but you saw no reason to call him. I look upon this as a suggestion from the Chairman. We do urge the committee to give Mr. Ripley an opportunity to come before this committee and defend himself. He is fully prepared to do it and to present evidence. I have here a letter which I received this morning from a constituent of mine on the Arrow lakes who is anxious for Mr. Ripley to come before the committee.

My next point is that I do think the steering committee should be instructed to give consideration to the holding of meetings in Vancouver and the Kootenay country. The Vancouver labour council has asked for it as well as other organizations. Therefore, I should urge that consideration be given to holding the two meetings in Vancouver and in the Kootenay country, the regions most affected by this treaty.

I therefore move that the report of the subcommittee be amended to give these witnesses a further week in which to appear; that the motion that Mr. Ripley not be heard be struck out from the report, and that Mr. Ripley be called before this committee to offer his defence.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I second the motion.

The CHAIRMAN: Is this motion seconded? It is seconded by Mr. Cameron. All those in favour of the amendment?

Mr. TURNER: Can I speak to that briefly? First of all, speaking in the case of Mr. Baker, the steering committee was of the opinion that he would be appearing merely in his personal capacity; that he would not be representing anyone and that, therefore, he could not add anything useful to the evidence that has already been entertained and heard by the committee.

With respect to Mr. Parker of the International Union of Operating Engineers, he had been in communication with the clerk of the committee and had been given an opportunity to appear yesterday. I understand he wired the clerk of the committee late Friday afternoon or early Friday evening to say he could not appear. This committee gave him the opportunity to appear yesterday, and therefore the steering committee felt he had been given considerable opportunity to make his case before the committee. It therefore recommended that in view of the fact that he had not asked for any alternative date he should not be heard.

With respect to the National Farmers Union, the initial telegram from the N.F.U. asked for a date in June. I understand the clerk of the committee wired that it would not be possible but that the committee would hear the National Farmers Union this morning. In reply to the secretary's wire the National Farmers Union said they could not appear at this time. In wanting to give this union the opportunity to appear the steering committee last evening set aside this Friday morning for that appearance.

In respect of Mr. Ripley, he was in the committee room last Friday and, at that time, as I understand it, he made no representations to the Chairman of this committee to appear. He must have been aware of the ruling of this committee a week ago last Tuesday to the effect that no representations to appear would be received after 5 o'clock yesterday afternoon. At that time no representation had been received from him and in the circumstances, it was felt there was no point in entertaining before the steering committee the motion of Mr. Herridge.

In view of what I have said I would urge the committee to defeat the amendment of Mr. Herridge and to support the report of the steering committee.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Mr. Chairman, as I was not at the steering committee meeting I did not hear the discussions which took place. But, in view of the quite unbridled statements made in respect of Mr. Ripley's article and the quite savage attacks made upon him and on his article it is my opinion this committee will place itself in a very invidious position if it refuses to have Mr. Ripley appear before this committee, if he is prepared to come. Also, I am surprised to find that the committee did not take advantage of the situation that was envisaged earlier, namely, that Mr. Ripley would appear with General McNaughton. At that time, no effort was made to bring him before the bar of this committee which, I understand, was the desire of the members during the discussion on this article. As I said, it is going to place us in a very invidious light.

In respect to Mr. Baker, I was interested in hearing what Mr. Turner had to say about his presentation. The main objections seemed to be that Mr. Baker was appearing in his individual capacity. We already have heard from Mr. Higgins who presented, I think, one of the best briefs. Mr. Higgins appeared here in his personal capacity and at some risk to his employment. We heard Mr. Higgins, and cross-examined him.

As you know, Mr. Bartholomew came from Vancouver representing in the most part his own views in the matter, although there was a committee connected with him. I am at a loss to understand by what means the steering committee recided Mr. Baker could not possibly have anything new to offer.

In the light of what I have said I support Mr. Herridge's motion that we amend the steering committee's report.

Mr. GELBER: Mr. Chairman, in the hearings of this committee those who have appeared before us have submitted briefs representing their views. Then, what the committee has done is to ask those people questions on their submissions. There has been nothing said in the suggestion made by Mr. Turner this morning to prevent any of those people making representations to this committee. All the steering committee has decided is that based on what has happened to date since no representations or submissions have been made they should not appear. If submissions, in fact, have been made by some people to the committee and the committee wishes to examine them, then certainly the argument of Mr. Herridge and Mr. Cameron has greater cogency. However, this committee has not refused to receive submissions from any of those people and, at the present time, we are just discussing the possibility of having them appear as witnesses.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): But, Mr. Chairman, in effect, we have had a brief from Mr. Ripley in the form of his article which, as you know, was opposed very strenuously. I think it would be an appalling position in view of the things that were said and are on the record about Mr. Ripley and his article if you do not see fit to give him an opportunity to explain.

The CHAIRMAN: I believe you are next, Mr. Patterson.

Mr. PATTERSON: Mr. Chairman, I believe there are two submissions for Friday morning. Is that correct?

The CHAIRMAN: If this recommendation is approved this would be so.

Mr. PATTERSON: With regard to the discussion which has been taking place, I think Mr. Cameron said there was a form of brief presented by Mr. Ripley, and he referred to the article in a magazine. Mr. Chairman, by the greatest stretch of the imagination I do not consider that is a brief of any kind. If that was the case we could pick up any paper or magazine and say it is a brief. Those individuals and organizations have known now for over two months, possibly three months, that briefs would be accepted and considered, and their representations heard. It seems rather strange to me they are asking to come

here in the closing days of this committee and requesting that opportunities be given to present briefs when to date they have not been submitted. As has been pointed out, briefs were to be submitted several days in advance in order to provide an opportunity to the members of perusing them.

Mr. STEWART: Mr. Chairman, I want to comment upon two points. As I understood it, Mr. Ripley appeared here initially at the invitation and in condonation of General McNaughton. He seconded him. He did not appear here as an individual witness before the committee so, in a sense, he has not been independently before this committee before. If Mr. Ripley were called now it would be as a new witness.

The other day I returned to this committee after an unavoidable absence and was told there was some sort of understanding that General McNaughton's statement given this month would not be too severely interrupted, the point being he would be allowed to put his views as simply as possible on the record. I suspect that is why he did not invite Mr. Ripley to appear with him, knowing his appearance undoubtedly would arouse a good deal of discussion in the committee. I believe that was the reason the steering committee did not take the initiative in inviting him to appear on that date. I believe the Chairman's note, addressed to myself, was to bring me up to date on the thinking and to ensure that in my ignorance I did not insist on venting my ire upon Mr. Ripley. I think it was felt that this would destroy the plans of the steering committee to allow General McNaughton to make the kind of full and convincing argument that was anticipated he would make.

The second point is that if this committee were to decide to call Mr. Ripley today on the basis of an article which I think was published in the public press the committee would be establishing a curious precedent. As I said, he has not appeared before as an independent witness so he has no independent status in the testimony before this committee. I submit we would be going a long way to presume that everyone who criticizes us in public should immediately be summoned here, not at a direct expense to the taxpayers but at an indirect expense to them so that we could rebut their evidence by asking disagreeable questions. I do not see the point of the suggestion that we have Mr. Ripley appear in order to give ourselves an opportunity to express our discomfort in respect of the things he has published.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I am not sure whether or not Dr. Stewart was at the meeting when Mr. Ripley was attacked. I cannot believe he was or he would not have taken the position he has. Dr. Stewart has a number of beliefs in respect of what has happened but I never have been too interested in beliefs. But, the fact remains that Mr. Ripley was the subject of a very savage attack which is now on the public record. At that time there were demands he be haled before the committee and before the bar of the House of Commons. I submit that if we are not going to hear Mr. Ripley all these statements should be expunged from the record.

Mr. TURNER: Mr. Chairman, the words which just have been used by Mr. Cameron were exaggerated. There was no such savage attack made upon him.

Mr. BYRNE: Would you refer to them.

Mr. TURNER: As you recall, it was the examination of Mr. Fulton which gave rise to the reference to Mr. Ripley's article. Surely it would have been open to Mr. Ripley, had he been interested, to make application within the time limit to appear before this committee.

Mr. WILLOUGHBY: I am sure no one on this committee wishes to curtail any new evidence which could be offered; and I am not going to enter into discussions with regard to Mr. Ripley. However, I would add this information to

the meeting. The fact is that I know Mr. Baker; I have had many long discussions with him with regard to the Columbia river treaty to which he is strongly opposed—and it is a justified opinion so far as he is concerned. From speaking with him on many occasions, I do not see how we would gain anything by bringing him before this committee. He could submit his opinions in the form of a brief and thus save a lot of the time of the committee, because I do not think he can add anything which we have not had previously.

Mr. BYRNE: Since I have moved the adoption of the subcommittee report, I think I should say a few words in support of the motion and against the amendment.

I am not familiar with the information that Mr. Baker may have, but if it is new information I should think he would have been prepared to present his ideas to the Chairman and, through the Chairman, to the committee. Then the committee as a whole could have decided whether or not it was new information, and act accordingly.

With regard to Mr. Ripley, I made some strong statements. I said I believed he was a journalist with some knowledge of engineering, and I believed some of these things he said—which is only repeating the words of Mr. Ripley's article—certainly distorted the facts. However, he has been available to the committee; he sat with General McNaughton and I would have presumed if he had had anything new to contribute it could have been put forward through the mouth of General McNaughton.

If there are other statements of such a nature in the minutes which should be expunged, I would have no objection. I do not have my file with me here this morning. I am sure that if I brought my whole file containing everything which has come before this committee, I now would need two messengers to assist me in bringing it here; so I have limited my files here each day.

I feel it is about time we get on with the job. On Saturday I was in the Creston district where it is estimated there were between 6,000 and 10,000 people, each of whom seemed to have come from the West Kootenay. They knew I was going to be there. I received not one objection to the way the committee has been moving, except the suggestion that it is moving too slowly, and that we are not getting on with the job. Everyone seems to have the impression that we should get on with the job, get the thing done, and get started with the various projects.

My only objection to the report of the subcommittee is that it provides too much more opportunity for stalling and too lengthy hearings. So, I am opposed to the amendment.

Mr. HERRIDGE: The people of Kootenay West will be very interested to know that 5,000 were there at Mr. Byrne's request. That is a historical note which will not go unnoticed.

The CHAIRMAN: Gentlemen, are you ready for the question?

Mr. BYRNE: Before we have the question, I would like to hear what Mr. Herridge said.

Mr. HERRIDGE: I will give you a second bite. I am going to suggest that I welcome Mr. Byrne's suggestion that when we receive the evidence he willingly will agree to having expunged from the record any savage remarks he may have made.

The CHAIRMAN: Those in favour of the amendment? Those opposed? Amendment negatived.

The CHAIRMAN: All those in favour of the main motion? All those opposed? Motion agreed to.

The CHAIRMAN: Now, gentlemen, I might say a word about notes. Perhaps from the very beginning I have been a bit careless. I think I have sent notes

to almost all the members of the committee, some of them dealing with this business and some, perhaps, in a more lighthearted vein, as our proceedings continued.

My impression of the difficulty with regard to Mr. Ripley and the indicated attack or criticism of Mr. Ripley's article, which I had not had the pleasure of reading, was centred in one area particularly. I had heard no criticism of Mr. Ripley by any members of the New Democratic party, but simply by some of the members to the rear. My recollection was that Mr. Ripley had sat at the table with General McNaughton on several occasions, and there was the suggestion that he would accompany General McNaughton again. When he did not appear with General McNaughton on the last occasion, quite frankly I was pleased, because I felt it was as well that we not have an antagonistic series of questions which would not do very much to assist the committee. At some later stage in the morning, I think, or in the afternoon, I did notice Mr. Ripley. It was pointed out to me by the secretary that he had come into the committee room and was sitting in the very last row in this room by the door. In those circumstances, I saw no reason to ask that Mr. Ripley come up to invite attack or criticism by any members who had raised objections. It was only in an effort to be fair to the general area which raised this point that I sent the note I did. I am sorry that it fell into your hands, Mr. Herridge, and I hope it did not cause any offence.

Mr. HERRIDGE: It was not the only one.

Mr. TURNER: I understand, Mr. Chairman, that you have received a request from General McNaughton to make an amendment to his statement. I would be pleased to recommend that this amendment be treated in the same fashion as the one made by Mr. Bartholomew, namely that it be presented as an appendix to the Minutes of Proceedings and Evidence.

The CHAIRMAN: Is that agreed?

Agreed to.

The CHAIRMAN: I am pleased to advise that we have received correspondence from the following: K. A. Smith, president, International Union of Mine, Mill and Smelter Workers (Canada), Toronto, Ontario; R. Peterson, president, local 902, International Union of Mine, Mill and Smelter Workers, Sudbury, Ontario; T. P. Taylor, president local 598, Mine, Mill and Smelter Workers, Sudbury, Ontario; members, local 517, United Electrical, Radio and Machine Workers of America, Welland, Ontario; R. Grenier, et al; members, local 540, United Electrical, Radio and Machine Workers of America, Hamilton, Ontario, Stella Billings, president; employees, Canadian Locomotive Company Limited, Millard and Lumb Company Limited and S. Anglin Company Limited, Kingston, Ontario, Leo F. Healey et al; J. W. Beattie, financial secretary, local 578, Gypsum Workers Union, Vancouver, British Columbia; F. J. Bartholomew, Vancouver, British Columbia; and F. E. and B. K. DeVito, Trail, British Columbia.

Our witness today is Mr. Gordon M. MacNabb, and I would ask him to come forward, please. We have no brief to distribute, gentlemen. Maybe we shall follow the practice, which we established with General McNaughton, of having Mr. MacNabb make reference to certain notes he has taken and make comments thereon, and then at the conclusion of his remarks have him available for questioning. Is that agreed?

Agreed.

Mr. G. M. MACNABB (*Water Resources Branch, Department of Northern Affairs and National Resources*): Mr. Chairman, in making my statement today I am sure that the members of the committee will understand my desire to limit my comments as much as possible to the engineering aspects of the treaty. That is the area of the matter before the committee which I believe I am competent to speak on.

Because I will be dealing as briefly as possible with the engineering aspects, I am sure you will not find it surprising that in my remarks I will refer mainly to the statements which have been made by General McNaughton. However, I am more than willing to answer any questions on the engineering aspects of any of the briefs presented to this committee.

My first comment will deal with General McNaughton's reservations concerning the flood control aspects of the treaty. My first point in this regard deals with statements made by General McNaughton on pages 3, 6 and 15 of his brief as reproduced on pages 500, 502 and 509 of the proceedings. These comments deal with article IV, paragraph 2(a) of the treaty.

Mr. HERRIDGE: What were the page numbers again?

Mr. MACNABB: Pages 500, 502, and 509. First of all, at page 500 General McNaughton said:

It is noted that the protocol makes no proposal for change in article IV, paras. 1 and 2(a) of the Columbia river treaty.

At page 502 he says:

May I again remind this committee that the protocol does not deal in any way with the operations of the 8.45 million acre feet assigned for flood control during the life of the treaty.

Finally, on page 509 he says:

Not mentioned in the protocol is article IV 2(a) providing for the operation of 8.45 million acre feet, the remuneration for which is presumably included in the sums stated in article VI(I)—

Now if the committee would refer to the article in question which is set out on page 61 of the white paper, you will see that paragraphs 1 and 2(a) deal only with 8.45 million acre feet of storage out of the 15.5 million acre feet of storage provided under the treaty. In addition, they only involve the operation of this storage over a 60-year period. You will note the first sentence of article IV 2(a) which states that Canada shall operate this amount of storage, 8.45 million acre feet, in accordance with Annex A. Now this is the article which General McNaughton says it is not dealt with in any way by the protocol.

I would refer the committee now to item 2 of the protocol which is on page 112 of the white paper. It reads as follows:

In preparing the flood control operating plans in accordance with paragraph 5 of Annex A of the treaty, and in making calls to operate for flood control pursuant to articles IV 2(b) and IV 3 of the treaty, every effort will be made to minimize flood damage both in Canada and in the United States of America.

In other words, the protocol does deal with the flood control covered in Annex A and this in turn is the flood control storage covered by article IV 2(a) of the treaty.

General McNaughton's statements therefore are not correct, and at one point in his brief he appeared to recognize this. On page 15, which would be page 509 of the proceedings, he had written in by hand a comment to the effect that that item of the protocol, (item 2) it includes, covered, in his opinion, any storage in the Columbia basin, in Canada that is, article IV 2(a), the 8.45 million acre feet, as well as any additional storage. So General McNaughton apparently recognized this fact but he did not change his argument on the balance of the page, nor on either of the other two pages mentioned.

My second point also deals with the primary flood control storage provided by Canada, that the 8.45 million acre feet which Canada commits for flood

control purposes for a 60-year period, and for which the United States pays Canada \$64.4 million, United States. I want to make it clear that it is only that storage which is dealt with by Annex A of the treaty. That point is abundantly clear if you refer to Annex A itself on page 76 of the white paper, where the specific amounts of storage covered by that annex are given.

Let me read these to you:

Mica, 80,000 acre feet; Arrow 7,100,000 acre feet, and Duncan, 1,270,000 acre feet.

That is the only storage covered by Annex A of the treaty. However, in General McNaughton's brief at page 3, which is page 500 of the proceedings, he says:

It is noted that the protocol makes no proposal for change in Article IV paragraphs 1 and 2(a) of the Columbia river treaty.

This paragraph deals with the storage covered by Annex A. However he goes on to say:

These are the basic provisions under which in relation to power and flood control an undue amount of Canadian storage is placed under the jurisdiction of the United States not only during the life of the treaty (60 years from ratification date), but thereafter—forever—directly for flood control, but with immense indirect, and undefined, benefits to hydro-electric generations in the United States.

These paragraphs must certainly have no connection with one another whatsoever. Not only is the storage covered by article IV 2(a) a specified and limited amounts, 8.45 million acre feet, but its operation is definitely limited by the first sentence of article IV (2) to 60 years following the ratification date.

These limitations have apparently not been recognized by General McNaughton because when being questioned by Mr. Ryan he stated that he did not believe that the annex was limited to 8.45 million acre feet. That was on page 561 of the proceedings. This one point is I think one of the main reasons for General McNaughton's concern over flood control.

I should like to deal further with this primary storage. On page 5 of his brief, which is page 501 of the proceedings, General McNaughton says:

There is no specified restriction that when expected flows are small these evacuations are to be reduced.

The evacuations he is speaking of concern the 8.45 million acre feet of storage.

He goes on to say:

For this reason a deterrent to abuse by the United States entity should be incorporated in the treaty.

I would say that that deterrent is already there and this fact was pointed out to General McNaughton in cross-examination by Mr. Ryan. The deterrent provided is set out in Annex A of the treaty, the same annex which deals with the operation of the storage in question. Paragraph 2 of that annex requires that an agreed hydrometeorological system of snow courses, precipitation stations and stream flow gauges will be established by the entities for use in establishing data for the programming of flood control and power operations.

Paragraph 5 on the same page, and that is page 75 of the white paper, requires that the operation of the primary flood control storage "will be based on data obtained in accordance with paragraph 2", which is the one dealing with hydrometeorological system. Therefore, it is obvious that when this hydro-meteorological system indicates that the expected flows are going to be small,

this will be reflected in the flood control operations. This certainly is a deterrent to abuse and in fact is the only reasonable way of operating for flood control.

My next point also deals with flood control and concerns the whole of page 7 of General McNaughton's brief which is duplicated on page 503 of the proceedings. In short, General McNaughton suggests that there is no reason for the treaty to place 80,000 acre feet of primary flood control storage at Mica when apparently 280,000 acre feet of uncommitted space is still available in High Arrow. He suggests that this was done by the United States solely to establish a claim on Mica storage. Not only is this suggestion incorrect but the argument General McNaughton uses to arrive at the suggestion cannot be supported by the facts. The facts are these: all Arrow Lakes storage is fully committed for primary flood control protection under article IV 2(a) of the treaty, and there is no surplus left over; therefore, if Canada wanted to get the maximum payment possible, 80,000 acre feet of Mica storage had to be committed to primary flood control. In view of the fact that over 12 million acre feet are available at that project, this commitment will not interfere with power operation in any way. General McNaughton says, and rightly so, that Arrow Lake itself got credit for 280,000 acre feet of secondary flood control. I would like to explain to you just how this comes about, and for this purpose I will distribute a chart to you which shows how the flood control operation at Arrow lakes might take place.

The CHAIRMAN: Is it agreeable, gentlemen, that any charts which are referred to be included in our proceedings?

Some hon. MEMBERS: Agreed.

Mr. MACNABB: The top curve, which you can see on this chart, is a hydrograph of the discharge of the Columbia river at The Dalles in the United States. This is the 1894 flood and you will notice it goes up to a peak exceeding 1.2 million cubic feet per second. I have drawn two horizontal lines on the hydrograph, one at 800,000 cubic feet per second which is the primary flood control aim of the United States, to get all floods controlled down to the 800,000 cubic foot per second level. The other I have drawn is at the 600,000 cubic feet per second level and represents the secondary aim of the United States to control the floods down to that level. The dotted line you see is one which is just put in to give an example of how the Arrow lakes project might be operated. It would begin to fill in May and June and reach its full level sometime shortly after the peak of the flood. I would stress that this is only an example. The controlled storage at Arrow lakes, goes up to 7,144,000 acre feet.

The very bottom line, and this is the one which is of interest, represents the natural lake storage without a dam on the Arrow lakes. The lakes would naturally control some water. When the inflows are high, the lake level builds up but as soon as the inflows start to drop off the lake will begin to discharge water. You will note that the primary flood control period ends on about June 27 and that is represented by the left hand vertical dotted line. On about June 27 the United States had passed out of its primary flood control period, the Arrow lakes controlled storage is full at that time, and the natural storage in the Arrow lakes, if there were no dam, has reached a total of 3,324,000 acre feet.

The point in question is, what happens in the secondary flood control period? We say we have fully committed the Arrow lakes for primary flood control but how can we say we have other storage available for secondary flood control? What happens is that the Arrow lakes in their natural state, as soon as the peak is passed, would start to discharge water. You can see that they would discharge water which would contribute to the flow at The Dalles

during the secondary flood control period in the United States. During this period, which will be a period of over 15 days, the Arrow lakes will discharge 280,000 acre feet of water if left in their natural state. This is water which is contributing to the flood at The Dalles. By building a dam at Arrow and holding that water, not letting it be released down the river, Canada gets credit for controlling that 280,000 acre feet which would otherwise have gone down the river and contributed to the secondary flood. I hope that explanation is clear.

General McNaughton has called the placement of primary flood control storage at Mica an "incongruity". The facts do not support this, and I may say that to my knowledge General McNaughton has never approached engineers familiar with this aspect of the treaty to seek an explanation of this point which has apparently troubled him.

The last point I should like to deal with in respect of flood control concerns statements made by General McNaughton appearing at pages 8 and 9 of his brief and at pages 504 and 505 of the proceedings. These are expanded upon by General McNaughton at pages 562 to 565 of his testimony. These statements deal with the operation for flood control of any Canadian storage after the first 60 years of the treaty. In other words this is the commitment in perpetuity, of which you have heard. For example at page 8 of his brief, at the bottom, General McNaughton makes this statement:

In the Columbia river treaty (1961) the specification of the United States primary and secondary objectives, on which these calculations depend, nowhere appears. I do not believe that this has been any accidental omission but a deliberate attempt by the United States to put over a bargain in which for the capitalized sum stated in Article VI (3) the United States would secure full control over the operation of all storage in Canada to any degree of flood control objective they might progressively desire after 60 years when the limitation of 600,000 c.f.s. given in protocol 1 (1) is superseded by 'adequately' in Protocol 1 (2).

To put it bluntly, this is just not so.

The limitation of 600,000 cubic feet per second is not superseded by the word "adequately", but rather sets a limit on the interpretations which may be put on that word.

I would like to refer you to page 111 of the white paper where item I of the protocol is set out. The portion dealing with the flood control operation after the initial 60 years is paragraph 1 (2). I would like to read this. It says:

The United States entity will call upon Canada to operate storage under article IV (3) of the treaty only to control potential floods in the United States of America that could not be adequately controlled by all the related storage facilities in the United States of America existing at the expiration of 60 years from the ratification date but in no event shall Canada be required to provide any greater degree of flood control under article IV (3) of the treaty than that provided for under article IV (2) of the treaty.

In other words, after the expiration of the first 60 years, not only must the United States use all of its existing storage before calling on Canadian storage, but also no call on Canadian storage can be made—and here I quote the paragraph in question—"to provide any greater degree of flood control" than provided by article IV (2) of the treaty. That degree of flood control is clearly set out in the preceding paragraph as being control down to 600,000 c.f.s. It would appear that in making his argument General McNaughton has overlooked completely the last three lines of paragraph (2) of item 1 of the protocol.

Before leaving this point I would like to bring to the attention of the committee the fact that the limitations established by paragraphs (1) and (2)

of this item of the protocol are such that the probability of the United States ever being in a position to require this flood control operation by Canada is about once every 20 years. In other words, if future flows are similar to those of the past, the United States will only be requesting additional Canadian storage three times during the first 60 years of the treaty and will only have need of any Canadian flood control storage after the first 60 years about once every 20 years.

My comments now will deal with the power aspects of the treaty and I will try to be as brief as possible in covering the points I have selected.

My first point deals with General McNaughton's reference on page 6—which is page 502 of the proceedings—to the Waneta plant. He says:

—the flows at Waneta are so reduced in the late summer in the interest of United States system benefits that only one of these Canadian units out of a total of four (three of which have been installed) can be operated.

Just as a matter of interest, I saw a news cutting the other day which stated that tenders were being called for for the fourth unit.

The committee will remember the testimony of Mr. Wadeson of the West Kootenay Power and Light Company that the minimum natural flow of the river is about 2,500 c.f.s., whereas the minimum flow under United States control is approximately 4,000 c.f.s. Therefore, not only has the United States storage increased the minimum flow of the river, but the regulation it has provided has been provided at no cost to Cominco.

I would refer you to a paragraph on page 7 of the Cominco brief which says:

Without the \$45 million Waneta plant with an ultimate capacity of 360,000 kw Cominco would not have undertaken and carried out the major industrial expansion program at Trail and Kimberley over the last ten years with consequent effect on the economy of the Kootenay area. It is of significance and perhaps not generally recognized that the United States storages on the Pend Oreille river have provided a power source in British Columbia equivalent to a potential installation of approximately 700,000 kw which otherwise would not have been possible.

I wanted to quote this paragraph to remove any possible suggestion that Canada's generation on the Pend d'Oreille river is being damaged or reduced by upstream storage in the United States. The reverse is actually the case.

Mr. BYRNE: Hear, hear.

Mr. MACNABB: My next point deals with a statement on page 16 of General McNaughton's brief where he suggests that officials of the water resources branch have criticized the Montreal Engineering Company for arriving at a conclusion contrary to one reached by advisers to the Canadian negotiators. I will not dwell on this subject because the Montreal Engineering Company have already denied this suggestion, but I would like to table with the committee a copy of the letter in question. This can be done while I continue.

On page 17 of his brief (510 of the proceedings) when referring to the government statement that Canada will receive "more than 200 megawatt years per annum of energy benefit" from Libby, General McNaughton says: "This statement is not true unless Libby is operated in release and refill to provide such benefits". Both the Montreal Engineering Company and Cominco have testified that as a result of their studies they are convinced that this statement is true and that Canada will receive in excess of 200 megawatt years of firm energy benefit annually. I do not feel that any further comment by me is required on this point.

At the bottom of page 18 and throughout page 19 of his brief (page 511 of the proceedings) General McNaughton makes a considerable case that protocol clause 7(1) refers to Canadian storage which he says "is not restricted to the 15.5 M.A.F. of Canadian storage named in article II" of the treaty. He carries on to suggest that this might mean that additional Canadian storage over and above the 15.5 million will have to be committed by Canada to maintain downstream benefits at some pre-determined level. I would like to refer you to the clause in question, that is clause 7 of the Protocol, (page 113 of the white paper). You will note that that clause begins: "As contemplated by article IV (1) of the treaty, Canada shall operate the Canadian storage in accordance with annex A and hydroelectric operating plans made thereunder". Therefore, the storage that this portion of the protocol is referring to is the storage contemplated by article IV (1) of the treaty. Further, the definition of the words "Canadian storage" as used any place in the treaty is given by article I (c) of the treaty as meaning the storage provided by Canada under article II. Article II says "Canada shall provide in the Columbia river basin in Canada 15.5 M.A.F. of storage usable for improving the flow of the Columbia river". With Canadian storage so defined I cannot see there is anything to warrant General McNaughton's concern on this point.

My next point on this subject once again deals with an inference General McNaughton has drawn from a provision of the treaty documents. In this case it applies to the sales agreement and appears on page 24 of his brief (515 of the proceedings). General McNaughton is referring to clause B1 of the sales agreement.

That Clause requires that the filling program of the Canadian treaty storage shall have the objective of having the storage of Arrow and Duncan full by September 1 following the date of completion and shall have Mica full to 15 M.A.F. by September 1, 1975, about 2½ years after initial operation. General McNaughton questions why 15 M.A.F. of water is to be placed in Mica when only 7 M.A.F. is committed under the treaty. He goes on then to suggest the following:

"Is this a notification that Mica has 15 M.A.F. capacity which may be called upon in flood control operation under Article IV (2) (b) or IV (3)?"

This is rather a surprising suggestion for two reasons:

- (a) The full Mica storage is completed at that time and actually upwards to 20 M.A.F. of storage space is available.
- (b) If the United States wished to use the storage for flood control, they would want it empty so that it could control the flood rather than having it full to 15 M.A.F. as this clause requires.

In actual fact this portion of the sales agreement was inserted at the request of the Canadian authorities. With only 7 M.A.F. in Mica, Canada could not generate power at that site because approximately 8 M.A.F. of storage is required just to raise the water level up to the intake of the penstocks. This means that 8 M.A.F. constitutes the "dead" storage at Mica. It was, therefore, essential to protect our generating needs to have Mica reservoir full to operating level as soon as possible after the completion of construction and it is the agreement on this which General McNaughton questions. He is therefore questioning a clause which should be of considerable benefit to Canada and which certainly will be of no value to the United States for flood control protection.

My next point also deals with the sales agreement and concerns General McNaughton's comment on Clause B2 of that agreement. This clause permits Canada, in the event of a breach of its obligations to commence full operation

of its storage, to compensate the United States either in payment or by providing power. General McNaughton says "this would seem an idle privilege, for, except on the west Kootenay, there will be no generation in Canada or transmission lines to the boundary at the time when the Canadian storages are first being filled". I would point out that nothing in this clause says that the compensating power must come from the Columbia basin. I would also point out that the Canadian entity who would be making the compensation will be the B.C. Hydro and Power Authority who have a strong interconnection at Blaine with the Bonneville system and could provide the compensating power at that point from any of its existing plants or the Peace river project.

My last specific point on General McNaughton's brief arises from statements made towards the end of his prepared brief (page 26 of the brief and 517 of the proceedings). It is here that General McNaughton repeats his claim that Canada does not get an equal share of the downstream energy benefits produced in the United States and that the treaty division of benefits is contrary to that suggested by the International Joint Commission principles. This argument has been covered by page 84 of the presentation paper where it is pointed out that General McNaughton's opinion that the words "usable energy" as contained in the International Joint Commission power principle No. 4 should be interpreted as meaning "usable firm energy". This interpretation would mean that the actual increased generation downstream in the United States would be divided equally and, in addition, Canada would receive a portion of the energy presently being generated by the United States without the assistance of Canadian storage and being sold as high quality interruptible energy at a price equal or greater than firm energy.

At the bottom of page 84 of the presentation paper it is acknowledged that the question of the definition of the word "usable" arose during the course of negotiations. It was actually raised by General McNaughton. The Canadian work group considered General McNaughton's interpretation and reported to the negotiators as follows. This report is quoted on pages 84 and 85 of the presentation paper.

The term "usable" was not defined in either the International Joint Commission principles or the discussions of these principles. Nowhere was it stated that "usable" was related only to the firm load of the downstream country. In the absence of any indication to the contrary in the International Joint Commission report, the word was assumed to have its ordinary meaning and, since the beginning of negotiations with the United States, "usable energy" has been assumed to mean energy usable in both the firm and secondary portions of the load in the United States.

The group arriving at this conclusion included officials of the water resources branch, Ontario Hydro, the British Columbia government and power commission, and both the legal and engineering advisers to the Canadian section of the International Joint Commission. All but one of this group had assisted in some way with the preparation of the International Joint Commission principles and therefore were not unaware of the discussions leading up to the principles and the intent of those principles.

While the next point I want to make does not have any specific reference to General McNaughton's brief, it is a point which both he and Mr. Bartholomew have raised. This point concerns the possibility of large peaking benefits to the United States from Canadian storage which Canada is not entitled to share under the terms of the treaty and protocol. Before getting into this subject I would like to refer you to Clause 7 (1) of the protocol (page 113 of the white paper) which reads as follows:

As the downstream power benefits credited to Canadian storage decrease with time, the storage required to be operated by Canada

pursuant to paragraphs 6 and 9 of Annex A of the treaty will be that required to produce those benefits.

Therefore, it is obvious that Canada's commitment to operate is limited to a commitment to operate to produce benefits which the United States shares equally with Canada. However, to get back to the point in question, Mr. Bartholomew refused to accept the theory that downstream benefits reduce at all during the life of the treaty. To support this argument he referred to the report of the United States Corps of Engineers on the Columbia river basin which he referred to as the "bible" on Columbia development. He used this report in an attempt to show that a development of storage by the United States equivalent to that provided by the treaty would save that country approximately 4 million kilowatts in thermal plant in 1985 (page 13 of his brief). I also have considerable respect for the ability of the Corps of Engineers and the thoroughness of their report and I can say conclusively that nothing in that report supports Mr. Bartholomew's conclusion. For example, Mr. Bartholomew is comparing a development plan referred to as a sequence IV-H development in the United States which will provide 19 M.A.F. of new storage, compared to the Canadian treaty storage plus Libby (20.5 M.A.F.). It is on the basis of this comparison that he arrives at his conclusion. I would point out, and here I am referring to page 61 of the corps' report, that the sequence IV-H plan not only provides 19 M.A.F. of new storage but over 3 million kilowatts of at-site generating capacity at those storage projects.

Canada, of course, does not contribute its at-site peaking capacity or energy to the United States and therefore the comparison is completely invalid.

Dealing further with this report and the point raised by General McNaughton concerning future peaking benefits, I have had page 53 of the corps' report duplicated to show how they evaluate their own storage projects and the benefits those projects provide over a period of 60 or so years. This page has been distributed to you and is entitled "storage project evaluation". In studying this I would suggest that you keep in mind that this is the corps of engineers' evaluation of the projects for which it was seeking congressional approval. They would, therefore, make the best case possible subject to proper economic and engineering reasoning. You will see that the downstream benefits of the two storage projects considered, Enaville and Bruces Eddy have been coloured on the chart and are of a diminishing nature. The value of peaking capacity, designated as prime, disappears by the year 2015 and the remaining energy benefit is only about $\frac{1}{3}$ of the energy benefit at the beginning of the period. This treatment is in complete harmony with the treatment of Canadian storage under the treaty.

If you are interested in what the other portions of that are, the black line across the bottom is the flood control benefit credited to these projects. The balance of the grey area, which is left uncoloured, is the at-site value of the project, and you will notice that is an increasing benefit. As you add more units at these storage projects the projects become more valuable as a source of peaking power; but, this is an at-site benefit and not downstream benefit.

I would like to read to you two paragraphs from the corps of engineers report which is on the page next to the chart, and which explains in part these charts. I quote:

The over-all value of storage will be least in the third period, because of the loss of prime power benefit and the lesser degree of regulation necessary for utilization of flows with the large ultimate downstream capacities. The magnitude and rate of the reduction will depend on future system composition, loads, load shapes and multipurpose objectives at that time, but on the basis of factors presently evaluated, the third stage value of storage may diminish to less than 20 per cent of its 1985 value.

It is important here that a distinction be made between the value of storage and the value of a storage project. While the storage values of a project are diminishing, the values associated with the project's at-site peaking capability are increasing so that the total project value may be as much or more in the third stage as in the first two. The relation of these values are indicated diagrammatically in Figure 12A.

Therefore the report which Mr. Bartholomew refers to as the "bible" on Columbia river development refutes his claim that downstream benefits do not decrease. Those benefits do decrease, it is the value of the at-site potential which holds steady and actually increases in worth. These are the values Canada has retained for itself.

I would now like to comment on the points raised by General McNaughton during questioning by this committee. His principle argument has of course been that an alternative plan of development in Canada, sequence IXA would be more advantageous to Canada than the treaty proposal. Last Friday he recommended that the treaty be rejected and a new start made on the basis of sequence IXA. Right at the outset I would like to repeat that I know of no detailed engineering-economic study which has shown that the Dorr-Bull River-Luxor plan of development is a better plan, or as good a plan, as that contemplated by the treaty.

In his testimony, as recorded on page 531 of the proceedings, General McNaughton maintained that "even if sequence IXA were somewhat more expensive than sequence VII" this committee should look at the long-term advantages of these plans. First of all I would like to point out that sequence VII is a non-diversion plan whereas the treaty proposal is not; therefore the use of sequence VII, to correspond with the Treaty plan in any comparison with sequence IX (a) is not in itself correct. Secondly, I would note that we *have* looked at the long term advantages as much as possible and have in fact been criticized by some engineers for over-extending our forecast of future conditions. The fact of the matter is that either of these proposals, the treaty plan or sequence IX(a) will not be fully developed until about the year 1990 and therefore to compare these alternatives it is necessary to extend our forecasts at least that far into the future.

Also on page 531 of the proceedings General McNaughton said that he was "not prepared to make any comparison on the short-term", because he did "not think that trying to obtain something to make money in the short-term which will hamper you in the future, is the way for parliament to look at these matters". We must look at the short-term because this is a period which drastically affects the economics of a plan of development. This is a period when you are paying out large sums of money with only a partial development to provide you with offsetting revenues. I find it difficult to resolve General McNaughton's reasoning in recent testimony with the reasoning behind his testimony in March of 1960, to a parliamentary committee. At that time he said, and this quotation is reproduced on page 63 of the presentation paper, that:

The reports and information we give have to be looked at most carefully, from the Canadian point of view, to see that the timing of these developments fits closely in with the market for the one product that we have in that early phase, and that is regulated flow. That is the only source of our revenue. We must not build anything ahead of time; otherwise, with these very large amounts of capital expenditure, the whole economics of the project would be destroyed.

That is a statement which has my full support.

A great number of studies of alternative plans of development have been carried out and I reported on only a few of them in my earlier appearance

before this committee. The ones I reported on called for independent development by Canada. However, to make one final comparison of the benefits and costs of the treaty proposal as compared to the maximum diversion proposal, we posed the following question to the Montreal Engineering Company in January of this year: "Would a maximum diversion plan from the Kootenay river to the Columbia river have produced an increment of power over that obtainable from a limited diversion at Canal Flats which would have warranted the extra cost and flooding incurred". With these broad terms of reference the Montreal Engineering Company proceeded to develop the most economic sequence of development of the maximum diversion plan and in arriving at the benefits of that plan purposely overlooked a number of political and operating problems so as to give the proposal the benefit of all doubt. They have reported to this committee the results of their findings and have shown that the increment of extra power produced through the maximum diversion of the Kootenay river could be produced with no flooding and at less cost by building a thermal-electric plant at Vancouver. That I believe is conclusive evidence and to my knowledge you have been given no facts to dispute it.

Mr. PUGH: This is on the long term and short term basis?

Mr. MACNABB: Yes. Either of these plans would not be fully developed until the year 1990.

Mr. Higgins in his testimony before this committee on April 29 criticized the maximum diversion proposal presented by the Montreal Engineering Company because it did not provide an immediate solution to the serious problem of flooding on the Kootenai river in the United States. This is one of the political problems which Montreal Engineering overlooked to give the most favourable treatment possible to the plan of development in Canada. To have constructed all the necessary projects in the east Kootenay valley in Canada to provide flood control in the United States comparable to that provided by Libby would have greatly increased the cost of the Canadian development in the early phases. However, in view of Mr. Higgins' criticism I asked the Montreal Engineering Company to adjust their treatment of the maximum diversion plan so that the United States would get the earliest possible flood control protection on the Kootenai River and also to credit the Canadian projects with the same flood control benefits as would be realized by Libby. They have reported the results of their studies in letter form and if the committee agrees, I can table copies of this letter with the secretary, or with the committee as a whole.

The CHAIRMAN: What is the pleasure of the committee?

Some hon. MEMBERS: That the letter be distributed.

The CHAIRMAN: Is that agreed?

Agreed.

Mr. MACNABB: The results on this particular aspect of their letter are as follows:

- (a) Average cost of at site power from the treaty plans 1.90 mills per kwh.
- (b) Average cost of at site power from the Kootenay diversion plan as previously studied 2.21 mills per kwh.
- (c) Average cost of at site power from the Kootenay diversion plan as adjusted to meet United States flood control needs 2.35 mills per kwh.

This means that the cost of at site energy to Canada under this latter proposal would be 24 per cent greater than the cost of energy to Canada under the treaty.

A further point studied by Montreal Engineering which is related to this problem involves the surplus left over from the sales agreement after paying the full construction cost of the necessary treaty projects. Under the present

treaty proposal this surplus is \$53 million (1973 dollars). The best treatment of the Kootenay diversion would result in a deficit of \$31 million and the accelerated development of the east Kootenay projects would result in a deficit of \$112 million. These figures show very clearly why the over-all cost of power in Canada is cheaper under the treaty and why as General McNaughton once said, "we must not build anything ahead of time".

One last point covered by the letter concerns the extra power which can be generated at Murphy creek with the Arrow lakes project upstream of it. If Murphy creek were constructed without the Arrow lake dam upstream, and called upon to attempt to re-regulate Mica releases, its annual firm energy output would be 70,000 kilowatt years less than that possible under the treaty. This is one more benefit from the Arrow lakes dam which would not be available in plans of development excluding that project.

The treaty plan therefore is undoubtedly more economical for Canada than any possible treatment of the projects included in Sequence IXA, and furthermore, the treaty gives Canada the right to proceed at specified times with the maximum diversion structures if they are economically attractive to us at that time. General McNaughton has expressed concern about increasing land values making the diversion structures uneconomic. Surely if the land values continue to outweigh the value of the power possible from the projects, it is obvious that the east Kootenay valley has a more beneficial use than its use for the development of power. Finally, the future but unspecified value of power projects which General McNaughton has made reference to is probably the use of hydro projects for peaking. A large body of water such as would be produced by the Kootenay diversion structures is not required to provide a peaking service. This fact is evident if you consider that pumped-storage peaking plants usually have only very limited amounts of water. In addition, we do not at this time know what the alternative costs of providing that peaking will be in the future and as Mr. Sexton has said "It is a sound principle in the management of a power utility that you do not spend money in advance of requirements". If we find that the east Kootenay structures would provide an economical peaking benefit in the future, then Canada could proceed with the development of those projects and in fact would not even have to divert to produce the peaking benefits desired. However, if we find that the east Kootenay projects also have a value for energy we have the right to divert the river in the future. This will not leave Libby a useless project as has been suggested. Libby at that time will be basically a peaking project itself, and its value to the United States in that role will continue even with the diversion. General Itschner testified before the Senate foreign relations committee that "although the energy generation would be reduced substantially under these conditions, the project investment would be amortized before these conditions would be experienced. The project, however, would still produce substantial amounts of power economically and continue to provide its full measure of flood protection".

I only want to make one further comment on the earlier testimony of General McNaughton before this committee. I refer to a statement he made which appears on page 532 of the proceedings. At that point he compares the downstream power benefits to which Canada is entitled under the treaty and as are tabulated in part on page 99 of the presentation paper, to the estimate of downstream benefits used by Sir Alexander Gibb-Merz McLellan in their report to the British Columbia Energy Board. General McNaughton said: "When I make a comparison with the latest entitlement I find the figures are very much lower than the ones used by Gibb in his report. I think they average about 25 per cent lower over the period. Therefore, all I can say about this is that every time we obtain a new set of figures from the United States we find there is a further deprivation from the downstream benefits that we have, and it is by no manner of means a half share".

First of all, we do not "obtain new sets of figures from the United States". Estimates of benefits are worked out jointly with the United States. Secondly, the actual comparison of figures used by Sir Alexander Gibb to those contained on page 99 of the Government's Presentation Paper is as follows:

For the condition where we only have Arrow and Duncan in operation, the energy benefit given by Gibb was 559 megawatt years. The energy benefit given in the presentation paper is 572 megawatt years, or, 2 per cent greater than that given by Gibb. The capacity benefit value given by Gibb is 895 megawatts. The capacity benefit value given in the sales agreement is 972 to 995 megawatts, or 9 to 11 per cent greater.

Now, when we have Arrow, Duncan and Mica in operation, which will be around 1974, the energy benefit given by Gibb was 763 megawatt years; the energy benefit given at page 99 of the presentation paper is 759, or 99.5 per cent.

The capacity benefits at the same time given by Gibb are 1,312 megawatts. The capacity benefits for which we are paid, are 1,377 megawatts, or five per cent greater; and in 1985, which was as far as the Gibb report went, the energy benefits given by them were 396 megawatt years. But the energy benefits for which we are paid under the sales agreement are 468 megawatt years, or 18 per cent greater. The capacity at that time given by Gibb is 1,173 megawatts. The capacity benefits under the sales agreement was 1,172 megawatts, of 99.9 odd per cent.

It is obvious that rather than being 25% smaller, the present estimates which are in fact the estimates upon which the guaranteed payment is based, are higher than those used in the Gibb report and in one instance almost 20 per cent higher.

At the beginning of his testimony General McNaughton referred to, and tabled with the committee, an article he published in the spring 1963 issue of the International Journal. In concluding this statement I would like to table with the committee sets of the detailed comments the water resources branch have prepared on General McNaughton's article. The first part of this volume reproduces the article as it appeared. The second part comments in detail on most of the paragraphs which have an important bearing on General McNaughton's argument. It therefore contains in one book both the article in question and the detailed comments thereon.

The CHAIRMAN: Is that agreed?

Agreed.

It is the recommendation that this be published in the proceedings. Is it agreeable?

Mr. DAVIS: I think it is a very good idea.

Agreed.

Mr. MACNABB: Mr. Chairman, this treaty and protocol is the final product of a great number of years of work by a great number of engineers. I feel honoured to have been able to assist in the presentation and explanation of their work to this committee. My ten years of experience on Columbia river studies have included such tasks as assisting in the computations for sequence IXa and the other sequence studies of the I.C.R.E.B., participating in the work of the technical staff advising the International Joint Commission on their principles, and advising the governments on both the treaty and the protocol. It is on the basis of this experience that I am confident that the proposed treaty development is a technically sound and fair proposal.

Mr. BREWIN: May I have an explanation. We have been furnished with a letter from the Montreal Engineering Company Limited dated May 8, 1964 addressed to Mr. Patterson.

The CHAIRMAN: I am advised that they are here to answer any questions.

Mr. BREWIN: And Montreal Engineering Company Limited are here also?

The CHAIRMAN: Yes, so perhaps you would be kind enough to ask your questions directly of them.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I realize that Mr. MacNabb was brought before the committee this morning rather unexpectedly as far as he was concerned because of the failure of other witnesses to appear. I notice that Mr. MacNabb has been reading all the morning from a prepared brief. Despite the rule of the committee not to have briefs read into the record, I think this is one which should be read into the record. Moreover I think the committee should be furnished with copies of Mr. MacNabb's brief, and that Mr. MacNabb should be called before the committee at a later date to be questioned upon it.

Mr. HERRIDGE: I support Mr. Cameron's suggestion because the printed copies of our minutes will not be available until next week, or the week after, and we need to have an opportunity to go over the brief in order to prepare our questions.

The CHAIRMAN: I notice that we still have ten minutes left before adjournment. It is our hope that we continue this afternoon at three-thirty, if that is satisfactory to the committee.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): We want copies of the brief first.

Mr. HERRIDGE: Yes, we need to have copies of the brief in order to prepare our questions.

The CHAIRMAN: I am not aware of what precisely is being referred to as the brief.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Mr. MacNabb has been reading steadily all morning.

The CHAIRMAN: I am informed that these are notes which he dictated late yesterday afternoon upon his learning that he had to appear today.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): He has obviously been reading from a prepared statement.

The CHAIRMAN: Just as General McNaughton was, when he prepared a succinct statement for us the other day. I think that was agreeable to the committee. Prior to Mr. MacNabb's saying anything at all I asked the committee whether it would be in order to follow the practice which we had followed so recently with General McNaughton; that is, that we would simply have Mr. MacNabb address himself to his own notes, and to points which he thought to be of importance. I thought this would save the time of the committee and thereby avoid a great deal of questions and answers which might come from the committee itself.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I suggest when a witness appears before a committee and reads what we would call in the House of Commons from extended notes, that is, when he gets up and reads his speech, in all fairness the committee should have copies of his brief. We need this before we can be expected to question Mr. MacNabb on his presentation this morning.

Mr. HERRIDGE: Other witnesses have so provided us with copies of their briefs.

The CHAIRMAN: Yes, but this is not precisely the same situation. This is in the way of a reply, I presume. This is not an opening statement. However, would it be satisfactory to the committee in order to avoid this problem of the delay in getting our transcript, if we should have copies of this brief run off

immediately and make them available as soon as possible, then we could continue this afternoon at 3.30 for those members who are prepared to question Mr. MacNabb on his brief.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): The understanding is that if we do not receive the brief in time we may recall Mr. MacNabb?

The CHAIRMAN: I think that would be implicit.

Mr. TURNER: When we heard General McNaughton on Friday he had a supplementary brief which was only distributed to the committee an hour or so after he began his remarks, and there was no question at that time about disrupting the proceedings. Surely, if the notes to which Mr. MacNabb referred this morning could be reproduced for this afternoon, it would be satisfactory.

The CHAIRMAN: I am only concerned with the evidence being given in an orderly way. Of course, Mr. Cameron, Mr. MacNabb has dealt with technical information which would take any member at a disadvantage. So I think we must take cognizance of this fact.

Mr. STEWART: I do not think any difficulty would be presented in providing copies of the brief for this afternoon. Most members of the committee I am sure are reasonably familiar with the points dealt with by Mr. MacNabb. After all, we have been over this ground and we have plowed, replowed, and harrowed it now at least 15 times. I cannot see the need for this material in the present period at any rate. However, the suggestion that we should spend a great deal of time studying this should be rejected. We are not going to become professional engineers, so let us try to commence our questioning this afternoon. I am sure that some members will be in a position to begin questioning as soon as we convene at 3.30.

The CHAIRMAN: Is that suggestion agreeable, Mr. Cameron?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Yes.

The CHAIRMAN: Mr. MacNabb has indicated that in view of the fact we have other government witnesses to hear he will be available. I am sure that every effort will be made to provide the members of this committee with this material as soon as possible. I did notice that a good deal of what Mr. MacNabb has had to say appears in his own hand-writing which is certainly illegible as far as I am concerned, and the reproduction of this statement may be a little more complicated than anticipated.

Mr. HERRIDGE: His statement was very well read and very grammatically construed.

Mr. TURNER: The witness has an orderly mind.

The CHAIRMAN: I would say in fairness, Mr. Herridge, as has been pointed out to you, there are a great many portions of this statement which the witness made without reference to any notes at all. Mr. MacNabb referred in many instances to charts.

Mr. HERRIDGE: We are in possession of those charts.

The CHAIRMAN: Mr. MacNabb was speaking in reference to the charts only without benefit of notes. However we will make every effort to be co-operative in this regard.

We will now adjourn until 3.30 this afternoon.

AFTERNOON SITTING

WEDNESDAY, May 20, 1964

The CHAIRMAN: Gentlemen, I see a quorum.

I beg to report that since our last report we have received correspondence from Robert J. Rodes, Nakusp, British Columbia; C. J. Kerr, Secretary, Columbia

River for Canada Committee, Victoria branch; Mr. Howard Paish, East Kootenay Wildlife Association, Canal Flats, British Columbia.

Mr. Davis, I think you have questions to put to Mr. MacNabb.

Mr. DAVIS: Yes.

The CHAIRMAN: I understand that every member now has the statement.

Mr. DAVIS: I have several questions. I would like Mr. MacNabb, if he can, to clear up the situation of the benefits which Canada receives, on the one hand, and the benefits which the United States receives. What are the benefits from the treaty in respect to power on site in Canada?

Mr. MACNABB: The principal benefit is, of course, the Mica creek project. It will have an installed capacity of 1,800,000 kilowatts. The projects downstream—Revelstoke canyon and Downie Creek—together will have an installed capacity of about 1,600,000 kilowatts, and of course these lead to the full development of the river in Canada which, as testimony has shown, will have a total installed capacity of about 4 million kilowatts, producing in excess of 20 billion kilowatt hours of energy annually.

Mr. DAVIS: Do these on site resources remain constant or diminish?

Mr. MACNABB: These on site resources will remain constant.

Mr. DAVIS: They will remain constant?

Mr. MACNABB: They will remain as constant as one can predict flows in the river; they are dependent on what nature provides in the way of stream flow.

Mr. DAVIS: Their output is constant over a period of years or decades?

Mr. MACNABB: Relatively constant.

Mr. DAVIS: Roughly half of this capability is immediately set up by the treaty? Is that correct?

Mr. MACNABB: Almost half is at Mica and when you add the west Kootenay to that will take it to about 2 million kilowatts.

Mr. DAVIS: At roughly what cost could these at site resources be developed?

Mr. MACNABB: The study by the Montreal Engineering Company indicated that the at site energy from the Columbia at full development will be about 1.9 mills per kilowatt hour.

Mr. DAVIS: Initially, then, something like 2 million kilowatts and ultimately 4 million kilowatts will be developable at 2 mills per kilowatt hour or less?

Mr. MACNABB: Yes.

Mr. DAVIS: This is what Canada gets out of the treaty?

Mr. MACNABB: At site, yes.

Mr. DAVIS: We heard some references on Friday to the effect that the United States would get something like $3\frac{1}{2}$ million kilowatts initially. Would you care to comment?

Mr. MACNABB: That is the comparable figure to the 4 million in Canada. This is capacity. I do not think there is any doubt about that at all. Of that $3\frac{1}{2}$ million kilowatts of capacity, as was indicated by Mr. Luce's statement, 1.4 million was the entitlement being purchased from Canada, another 1.4 million was the United States half share of the entitlement, and Libby provided something like 650,000 kilowatts, which added up to 3,500,000.

Mr. DAVIS: Of the 3,500,000 kilowatts, close to 2.9 million kilowatts originate as a result of Canadian storage?

Mr. MACNABB: That is right, yes.

Mr. DAVIS: The other is on site power in the United States? What happens with regard to those capabilities over a period of time?

Mr. MACNABB: Most of the 3.5 will diminish. The only portion that will not diminish is the at site peaking capability of Libby. Even the downstream benefit from the Libby project in the United States will diminish with time and, as the chart I distributed to you this morning shows, of the capacity benefit of 3.5 million kilowatts—and this is what Mr. Luce was referring to—all but the at site portion at Libby will disappear shortly after the turn of the century.

Mr. DAVIS: The Canadian at site resources, therefore, are somewhat larger in amount and more permanent in nature? Is that correct?

Mr. MACNABB: That is correct.

Mr. DAVIS: Can you comment on the order of magnitude of cost of the United States benefits?

Mr. MACNABB: This is very hard to do. We can estimate the order of magnitude for the cost of our at site benefits. The United States obtains a fair portion of their benefits at a fairly low incremental cost.

Mr. DAVIS: That is the United States half share?

Mr. MACNABB: Yes. They have invested a great deal of money in the form of what we call sunk expenditures; which they have incurred in the expectation of upstream storage. If you ignore the past investments and only look at the incremental investments, they obtain their downstream benefits at a fairly low price initially. Libby, of course, is not low-priced at all. As time goes on, the units which are now in the United States system and which will be used to generate the downstream benefits—are, of course, fully used—and as the United States load increases, the United States will have to put in new units. Therefore at one time or another the treaty benefits must be charged with the cost of the units necessary to generate those benefits. They must either charge them with the sunk cost now or charge them with the cost of replacing the units later on. That is one problem of pinning it down. The other problem is that the United States does not know definitely what downstream benefits they will obtain. In other words, they are now in the position in which we found ourselves before the protocol was signed. We now have a definite guarantee of a return from the United States, whereas the United States, for the payment they have made to us, are entitled to whatever the downstream benefits are? These benefits can differ with a great number of future conditions.

The estimate which you see set out on page 99 of the presentation is the agreed entitlement. This is the figure upon which the payment to Canada is based. It is based upon a load forecast in the United States falling midway between their present forecast, which we call here the high load forecast, and a forecast made in 1956, I believe, which we call the low load forecast. When one looks at the table one sees how the benefits fluctuate depending upon how the load grows in the United States.

Once again, therefore, one cannot put one's finger upon the amount of power they will obtain. I would hesitate to guess the actual cost.

Mr. DAVIS: Would you say the average cost of the additional power—both the downstream effect on Canadian storage and from Libby—would be more or less than two mills per kilowatt hour? I am just trying to make some rough comparison with the Canadian costs.

Mr. MACNABB: Most certainly if you include the sunk costs, in other words the costs the United States have already incurred in expectation of storage, it will be two mills or more. If you wish to ignore those sunk costs, I suppose there is a possibility that it will be less than two mills, but I cannot say definitely.

Mr. DAVIS: Of the 3.5, 1.4 is the Canadian entitlement which we have sold; and we know the cost of that.

Mr. MACNABB: We know the cost of that. It is 3.75 mills.

Mr. DAVIS: United States?

Mr. MACNABB: At 60 per cent load factor, but actually the power they are purchasing is not at 60 per cent load factor. It is at an average load factor I think of around 40 per cent, and it is actually costing them about 4 mills at the load factor at which it occurs.

Mr. DAVIS: If there were no other costs whatever, therefore, the average cost would be close to two mills?

Mr. MACNABB: It would be close to two mills.

Mr. DAVIS: We know the Libby cost is expensive so the chances are that their on site costs will be higher than ours.

Mr. MACNABB: That is quite possible, yes.

Mr. DAVIS: Our on site resources resulting from the treaty will conceivably be larger than those of the United States; they will be more durable; and they will cost us less per unit?

Mr. MACNABB: That is correct. Actually, this diminishing nature of the benefits they obtain is what has prompted one economist in the United States to question whether or not there is an advantage to the United States in proceeding with this treaty. He admits in the short run they will obtain power at a lower cost than they might provide independently, but in the long run it might cost them more than if they had gone ahead independently. The diminishing nature has a great deal to do with this.

Mr. DAVIS: I would like now to speak to flood control.

Mr. TURNER: I have a question on downstream benefits. I wonder if I might be allowed a supplementary question on that subject?

General McNaughton spoke about the sharing of downstream benefits. I wonder whether you have his supplementary memorandum which he introduced on Friday?

Mr. MACNABB: Yes, I do.

Mr. TURNER: On page 7, following his quotation from Mr. Luce, he develops an equation of 572 over 2,956. Have you any comments to make on that?

Mr. HERRIDGE: This paragraph was withdrawn by General McNaughton this morning in the document which is to be included as an appendix.

Mr. TURNER: Is it withdrawn or is his appendix a supplement?

Mr. HERRIDGE: This paragraph is deleted.

Mr. TURNER: Would you look at the amended paragraph which was tabled this morning and comment on those figures?

Mr. DAVIS: My impression was that this was an appendix; it did not constitute a deletion.

Mr. TURNER: I will stand corrected but I gather Mr. Herridge is speaking on behalf of the general. Was that original paragraph withdrawn?

Mr. MACNABB: It is replaced.

Mr. TURNER: So I understand the original calculation on page 7 has been replaced by the new appendix. Would you speak to the appendix, Mr. MacNabb?

Mr. MACNABB: This appendix bears no relation to what Mr. Luce has said at all so I think that we would have to forget the earlier comment on Mr. Luce's statements entirely. The figures shown here are the figures that appeared in the United States document entitled, "Analysis and Progress Report." This was put out, I believe, on October 19, 1960. They had a table in that report from which I believe General McNaughton has drawn his information. There was a footnote referring to the table showing 1,142 mega-

watts which General McNaughton shows as the United States share of prime power. The footnote appeared in the second edition that came out and it said, "this constitutes one half of the increase in the average annual usable energy", that would be 763 megawatts or exactly the increase which Canada is entitled to, "plus the secondary energy available to the United States which is firmed up". In other words, the United States is now generating energy as secondary energy. When the Canadian storage is added it firms up this secondary energy, instead of being interruptable it becomes firm energy. They have therefore included that in the table to show the total amount of new firm energy. However, you must offset this with the amount of secondary energy which they have lost. Actually they are selling that secondary energy now, in some instances at least, at prices greater than they are selling firm energy. This is the point I tried to cover this morning—I believe it is covered by power principle No. 4 of the International Joint Commission principles. I will refer directly to it. It appears on page 48 of the green book.

The amount of power benefits determined to result in the downstream country from regulation of flow by storage in the upstream country would normally be expressed as the increase in dependable hydroelectric capacity in kilowatts under an agreed upon critical stream flow condition—

And now we are coming to the point in question.

—and the increase in average annual usable hydroelectric energy output in kilowatt hours on the basis of an agreed upon period of stream flow record.

If the United States is generating this secondary energy already and are using it, Canadian storage is not contributing any new amount, and certainly there is nothing I can see in the I.J.C. principles which says that Canada should share in the increased value of the existing energy, if any. We are entitled to receive one half of the downstream power benefits as such, not what their economic value might be to the United States. I therefore cannot agree with his table, and I think the fact that the United States put in that footnote was an attempt to clarify this condition. The United States receives 763 megawatt years of prime energy, just as Canada does. In addition to that, they get at Libby, 544 megawatts, as General McNaughton has indicated. They might also, and this depends on the rate at which they sell their secondary power, get a temporary bonus for having some of their secondary energy firmed up and being able to sell it at slightly higher rates. Under the present conditions this is not so. This secondary energy which is being firmed up is what we would call very high quality secondary energy. It is probably available 90 to 95 per cent of the time. There are a lot of utilities which I would consider that energy as firm energy. Defining firm energy as 100 per cent available is a condition which is peculiar to the Pacific northwest. All I can do, in summary, is to say that Canada receives exactly one half of the extra energy produced downstream in the United States.

Mr. TURNER: So that the figure of 1,142 is not necessarily a proper figure to put into a denominator for achieving the result?

Mr. MACNABB: No, because that includes energy which the United States is already able to generate.

Mr. HERRIDGE: I have a supplementary question. I am quoting from the proceedings of a meeting held by Mr. Paget, the controller of water rights, in Nakusp on September 29, in which Dr. Keenleyside said—this appears at page 353—"In return Canada would receive benefits in the form of a half share of the additional electrical energy and the capacity produced in the United States." Is that statement correct?

Mr. MACNABB: Yes, it is correct. What we are talking about here are two types of energy. We receive a half share of the extra energy produced. At the same time, as a result of Canadian regulation, some of the energy which the United States is already producing as secondary energy and selling as secondary energy becomes firm, but that is not new energy for them, it is just a different quality of energy.

Mr. HERRIDGE: It is a result of our storage.

Mr. MACNABB: Definitely.

Mr. HERRIDGE: They are getting a benefit from it then?

Mr. MACNABB: Right now they are not because they are selling this energy at prices equal to and in some cases higher than some of their firm energy. It all comes down to the definition of usable energy. The International Joint Commission power principle says that we shall receive one half of the extra usable energy produced. It does not say "extra firm energy". I read in my statement this morning a statement concurred in by eight people which was made to the Canadian negotiators, giving their interpretation of what was meant by the words "usable energy". All but one of these people were familiar with what went on in the International Joint Commission negotiations on the principles, and we were quite definite in our recollection that at no time did the United States ever indicate that they would give up half of the energy which they are now generating without the benefit of Canadian storage.

Mr. HERRIDGE: There was one person who disagreed?

Mr. MACNABB: Mr. Ward was not involved with the International Joint Commission principles at all. The statement quoted was unanimous.

Mr. HERRIDGE: Mr. Ward agreed with that statement?

Mr. MACNABB: He was there and he certainly agreed. Let me refer to what I said this morning. The statement included the final sentence. It reads as follows:

The term "usable" was not defined in either the International Joint Commission principles or the discussions of these principles. Nowhere was it stated that "usable" was related only to the firm load of the downstream country. In the absence of any indication to the contrary in the I.J.C. report, the word was assumed to have its ordinary meaning.

Now, that is the way the treaty was negotiated. As I say in summary, we are receiving one half of the extra energy generated in the United States.

Mr. DAVIS: To carry on with another phase, namely flood control, could you give us some word picture of what happens at The Dalles? You have made remarks in respect of one category of flood control Canada will provide, that on the average we might be called upon on three occasions during the 60 year life of the treaty. But, there is the other primary category as well, not only how many times in 60 years but how many days or weeks during a year is the United States call for flood control likely to govern our operations or influence them upstream in Canada. Would you give us a clear picture on this?

Mr. MACNABB: I can answer the last part of your question much easier than the first. The first part of your question was how many years they might call upon us for this primary flood control. This is difficult to say. The second part of your question is the important one: if they did call upon us would this conflict with Canada's operation for power generation? I would say it would not. I think all but less than one per cent of your primary flood control storage is at Arrow lakes and Duncan, where no at site generation is involved and where you will have withdrawal, of storage on an annual basis anyway for downstream power generation. I cannot see any conflict whatsoever in the operation for primary flood control and the operation for power development. Even if they called on it every year I cannot see any conflict occurring at all.

Mr. DAVIS: Now, we have had several people come before the committee who have advocated the building of Mica Creek but the postponement or elimination of High Arrow, which others believe is needed for re-regulation. One would assume from your statement now that operation of Mica Creek, consistent for power production, would have some beneficial effect downstream in the United States. Why are the Arrow lakes needed?

Mr. MACNABB: The operation of Mica for power generation is operation for Canadian generation and the rate of withdrawal of that storage during the fall and winter for Canadian needs will not coincide with the rate of withdrawal the United States might want for United States needs. The actual amount of storage released may be somewhat the same by the end of the draw down season and the beginning of the flood control season but the rate at which it is released is entirely different; that is where the Arrow lakes project becomes important, namely in re-regulating Mica releases so the flow pattern crossing the border will conform to a flow pattern which will produce maximum downstream benefits.

You were discussing flood control and primary flood control storage. Only 80,000 acre feet of Mica storage is committed for primary flood control and the average storage released at Mica is 7 million acre feet, so there is no chance of a conflict.

Mr. PUGH: I have a supplementary question. Then, in the whole scheme of things High Arrow and Mica are complementary to each other.

Mr. MACNABB: Yes.

Mr. PUGH: That is, in all phases, power in Canada, downstream benefits in the United States and flood control?

Mr. MACNABB: Yes.

Mr. PUGH: And, when I say complementary, Mica without High Arrow would not be feasible?

Mr. MACNABB: Well, you would have two choices—you could go it alone without a treaty and try to develop Mica by itself which would result in high cost power, or enter into a co-operative treaty and hope in the future by some means or another you could compensate for the conflict of operation you would have at Mica and were not able to compensate for through the operation of Arrow lakes downstream.

Mr. PUGH: I am not advocating this; it is only that some have said build Mica and forget High Arrow. By the higher cost of construction you mean the cost of power generated in Canada at Mica possibly might be completely out of line with commercial usage?

Mr. MACNABB: That is correct. In respect of our present estimates under the sales agreement the cost of power at Mica is about 1.3 mills per kilowatt hour. I believe it is less than 1.5 mills per kilowatt hour. With the same treatment, the same costs and the same kind of operation, without the sales agreement it is around 4 mills per kilowatt hour. As you have to add the cost of transmission to that it is getting to the stage where it is of doubtful value, certainly at this time. I will not say that in the future, when you build up a large thermal or atomic base, you will not be looking for peaking sites, and at that time you might go to the Columbia to develop peaking projects. But, it is doubtful if you will go there in the immediate future unless you had this co-operative arrangement.

Mr. HERRIDGE: I have a supplementary, Mr. Chairman; I am quoting from page 360 of the same hearings I quoted previously. Doctor Keenleyside informed us:

Without the High Arrow, Mica can only produce about 100 to 200 megawatts of firm power. With the High Arrow dam Mica can produce about 1,000 megawatts of firm power.

In other words, the construction of the High Arrow dam will multiply the power to be available at Mica by at least five times. It must therefore be clear that without the High Arrow there can be no major project at Mica creek.

Is that statement correct?

Mr. MACNABB: May I go back to the figures he quoted first; it was 100 to 200 without High Arrow and about 1,000 with High Arrow.

Mr. HERRIDGE: Yes.

Mr. MACNABB: I believe what Dr. Keenleyside was referring to at that time is that if we were to operate Mica to produce the maximum downstream benefits in the United States at one point in the annual cycle of operation the outflow at Mica would be so low we could only generate 100 to 200 megawatts of power whereas with Arrow lakes downstream we can operate Mica in a much better way for our own needs. Now, I cannot vouch for the 1,000 figure but it is within that range. Now, this problem can be compensated to some extent through interconnection. In the study the Montreal Engineering Company have done they assume interconnection with the existing British Columbia system as well as with the Peace river system but they still came up with the conclusion that you still need Arrow lakes downstream to get the operation at Mica consistent with Canadian needs and the flow across the border consistent for the maximum production of downstream benefits. I would say Dr. Keenleyside has taken a fairly extreme case; however, it is a case which could exist if you were considering the Columbia in isolation and with only Mica generating power.

Mr. HERRIDGE: I have one further supplementary question. Would Mica produce more power with the Dorr-Bull River-Luxor built behind it?

Mr. MACNABB: There is no doubt at all about that, and so would Revelstoke and Downie creek. But, on the debit side, of course, the Kootenay plants would produce less power than their ultimate potential. I am not a believer in power for powers sake; I believe you must look at the economics of producing that power. It is when you look at the economics that the advantages of the full Kootenay diversion or the disadvantages begin to appear. There is no doubt at all that the maximum diversion will produce more power in Canada. I do not believe there is any report which has not shown that; but it is the economic aspect of that power which we must look at also.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Would you expand on the reference to economics?

Mr. MACNABB: When you are developing a system, I think it is only prudent that you look at the cost of each increment of power you are producing. As you go one more step you evaluate the extra power you get and the amount of money it will cost you to proceed that one further step. If obviously it is not economic power, I do not think you would go ahead and develop it until such time as perhaps conditions would prove it to be economic.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Have studies been made of the Dorr-Bull River-Luxor part of the project which will enable you to give us some estimate of the cost?

Mr. MACNABB: Are you referring to the projects themselves?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Surely that is part of the economic consideration.

Mr. MACNABB: Definitely. The first estimates made of these projects were made largely through the work of the water resources branch for the international Columbia river engineering board. These were done at the same time as the original estimates for the Arrow lakes, Mica and Duncan. All projects were considered, including those in sequences IXa, VII and VIII. These findings were delivered in 1959.

We did a certain amount of drilling in the east Kootenay; but I must admit that in the case of Dorr they only put down one drill hole and they were not successful in finding any rock at the site.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Do you consider that a fatal bar to construction?

Mr. MACNABB: No, not at all. In fact there is a report by the P.F.R.A. on file. They went in and looked at it and said that a dam could be built. You can build a dam almost any place if you want to spend the money. When you have a project such as that with unconsolidated deposits in the river bed you must try to allow in your estimates for necessary contingencies to cover the cost of construction in case you run into problems.

I will have to go by memory, unless you want me to look it up, but I believe we had more drill holes than that at Bull river and some at Luxor. We went all through that valley. As I pointed out in the paper I presented to the committee earlier, we looked at other sites in the Kootenay valley. I believe these were Wardner, Torrent and Gibraltar, and possibly some other sites. Finally we came down to Dorr-Bull River and Luxor in the upper Kootenay.

Since the work of the I.C.R.E.B. there has been no further exploration in respect of the subsurface conditions there. We were using the cost estimates of the I.C.R.E.B. throughout the negotiations when we looked at the alternative plans. Recently we felt we had to take one final look at this alternative of building the projects in the east Kootenay, and we asked the Montreal Engineering Company—and I think we gave them quite broad terms of reference—to look at this possibility. At that time they revised these cost estimates to bring them up to date. At the same time, we took a look at the flowage estimates and sent a man out in the field to take a look at the expansion in the valley since 1956-57, and the estimates were brought up to date. This increased the cost of the east Kootenay projects by something like \$60 million; but you cannot expect conditions to stay static.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): As I recall it, either in the written brief presented by the government of Saskatchewan or in the comments by Mr. Cass-Beggs, it was pointed out that Crippen-Wright had been extremely cautious in their estimate and in saying there had been no adequate exploration work done.

Mr. MACNABB: You are referring to the pumping plants, the tunnels and the generating stations on the eastern slopes of the Rocky mountains that fitted into the diversion to the prairie provinces. I do not believe Mr. Cass-Beggs was referring to the project in the Columbia itself.

Mr. HERRIDGE: I would like to ask two questions on that point.

The CHAIRMAN: I do not like the witness to be taken away from a questioner. Mr. Davis was questioning the witness originally.

Mr. DAVIS: Mr. Chairman, one or two witnesses have implied that it would be difficult, if not impossible, to divert the Kootenay into the upper Columbia because it would be impossible to build the Dorr project, the Dorr project being in that portion of the Kootenay flooded by Libby. Does this present any substantial engineering difficulty?

Mr. MACNABB: I do not believe so. Would you please refer again to the white paper, the treaty, article XII, as set out on page 67. This is the article which gives the United States the option to build the Libby project. The last item in that article says:

If the treaty is terminated before the end of the useful life of the dam Canada shall for the remainder of the useful life of the dam continue to make available for the storage reservoir of the dam any portion of the

land made available under paragraph (4) that is not required by Canada for purposes of diversion of the Kootenay river under Article XIII.

Now, I believe it was General Itschner who, in testimony to the United States Senate foreign relations committee, said when the point in time came that Canada had the right to divert the Kootenay river at Dorr, which is the final stage of diversion, if Canada wished to exercise this right, the United States would have to draw the storage at Libby down so that the Dorr site itself would be exposed until the dam was constructed. When the dam was constructed, there would be nothing to prevent them backing the water up on the downstream face of the dam. I suppose you would have a temporary problem with the water-logged soil, but other than that I cannot see any difficulty.

Mr. DAVIS: You are proposing to build the Arrow lakes dam across the Arrow lakes and you are not going to draw down the Arrow lakes to do this. Why can you not do the same thing in the Canadian end of the Libby reservoir?

Mr. MACNABB: You could, but one of the things that is adding to the cost of the Arrow lakes dam is the type of construction they are going to use—placing the fill in the wet. It would be much less expensive to be able to work in the dry, the normal procedure.

Mr. DAVIS: So, physically there is no doubt this can be done. It is preferable to draw down the reservoir purely from an economic standpoint of reducing costs.

Mr. MACNABB: So far as Canada is concerned, yes.

Mr. DAVIS: In respect of diversion to the prairies, in the Saskatchewan brief there was a summary cost benefit appraisal carried out, in so far as the brief was concerned. This turned up a not very sizable but nevertheless positive benefit cost ratio of, I believe, 1.1 to one. Would you care to comment on that?

Mr. MACNABB: I have a number of comments on that. That appears on page 78. The first, of course, is that the interest rate is $3\frac{1}{2}$ per cent. However, as long as you use a comparable interest rate for a number of alternatives, I have no argument with you. On the annual cost side of the ledger, they had compensation to British Columbia of \$6 million a year. This was compensation for the reduction in generation in the Canadian Columbia by taking away about 6,000 cubic feet per second of water from above Mica. That would reduce the generation of the Columbia, I believe, by about four billion kilowatt hours annually. They have said they will compensate British Columbia to the extent of 1.5 mills per kilowatt hour. They are assuming that this would be secondary power they were taking away. I cannot agree with that assumption. Because of the storage produced on the Columbia, British Columbia has control of that water, so rather than producing secondary power they could store the water and release it at times when it is firm.

Mr. DAVIS: Have you discussed this situation with the officials of British Columbia?

Mr. MACNABB: Let us just say that I have said to them, and I think this really deals with the pumping power: could they ever foresee the condition when they would have 13 billion kilowatt hours of secondary energy out of a total potential available 20 billion kilowatt hours, to sell at one and one half mills, and I received a rather emphatic negative answer to the question.

This compensation of energy loss in British Columbia at one and one half mills I would say, to be realistic, would have to be about twice that, or three mills. The transmission facilities would have to be there in any event and I believe that the energy developed at these projects such as Mica, Downie and Revelstoke would be worth at least the cost of replacing the fuel that is used

in thermal plants in Vancouver, which I think is 2.7 mills. I think the compensation should be about double the \$6 million which they refer to there.

One item that is entirely missing is compensation for loss of downstream benefits. I am not sure this is included in the brief or in oral presentation by Saskatchewan, but they point out that the proposed diversion is only five per cent or so of the total flow of the Columbia river at its mouth. I do not think that fact has much bearing on the question at all. Canada's downstream benefits are based upon the water we have controlled up in the northern portions of the Columbia river. A diversion would take away 30 per cent of the water available to Mica, and, as a rough guess, you can say that it might reduce the downstream benefits attributable to Mica by approximately 20 to 30 per cent. There is no compensation allowed for this at all.

My next point is with regard to pumping power. Twelve billion kilowatt hours at one and one half mills, and I think this should be 13 billion kilowatt hours because that is the figure they use a few pages earlier in the brief—at page 73—which is interruptable energy, which it is assumed can be produced in British Columbia. Once again I cannot see how they could produce interruptable or secondary power in a quantity approximating 13 billion kilowatt hours annually in British Columbia. Secondly, I would say the lowest price should be perhaps three mills because once again I feel it would be firm power.

They suggest that if the power is not available from British Columbia perhaps Bonneville Power would have it but the cost of transmitting it in from Bonneville Power would be at least one or one and a half mills before even taking into account the price which Bonneville Power might charge. I would suggest that the compensation factor should be 3 mills, or 13 billion kilowatt hours at 3 mills making some \$39 million rather than \$18 million, of a total cost of \$67 million without including downstream benefit compensation.

One other item I wondered about is the cost of producing power on the eastern slopes of the mountains. They state they would develop 13 billion kilowatt hours on the eastern slopes. They show the revenue for that but do not give a figure in respect of the cost. I believe you questioned Mr. Cass-Beggs in this regard and he said that he thought this cost was included in the project cost of \$16 million per year. I cannot state categorically that it is not included, but referring to page 72 of their brief, where they give the capital cost, they show that the cost of dams and reservoirs is \$42 million. I would expect that that amount would barely cover the cost of the Surprise rapids dam on the Columbia. I do not see any cost item here which would cover all the major generating plants that would have to be built on the eastern slopes of the Rockies to compensate for the cost of developing pumping power.

As I have stated, I cannot say categorically that this comparison is not true because I do not have the figures to look at. However, forgetting about that altogether and taking the cost figures which I have added up, the benefit cost ratio is certainly less than 1 to 1 assuming you could generate as much power on the eastern slopes as you are using to pump the water on the western slopes, and I have yet to be convinced that this can be done. This involves a matter of adding up the head which you must pump and the head that you lose in friction losses in tunnels, the efficiency of pumps and generators, and the head in British Columbia from which you are taking the water away. For the particular example used by Mr. Cass-Beggs the head loss is of the order of 5,000 feet, all inclusive. The tunnel through which the water is pumped comes out at about elevation 5,000 feet. In other words one would have to generate energy through every foot of the fall on the eastern slopes right from the outlet of the tunnel down to the Hudson's Bay.

Mr. DAVIS: That would have to be done at 100 per cent efficiency?

Mr. MACNABB: The efficiency is included when working out that head. I remain unconvinced that the generation for power purposes is an economical consideration even though one might have the facilities to make the diversion and the facilities to use the waters on the eastern slopes. The amount of energy one would have to put into this project is greater than the amount of energy one would get out of it. I am not saying that if there is a need for water for true consumptive purposes on the eastern slopes that a diversion of water for those consumptive purposes with an incidental generation of power would not help the cost benefit ratio of that consumptive diversion.

Mr. DAVIS: If one considers the generation of power alone in respect of such a diversion one would come to the conclusion that it was not beneficial; is that right?

Mr. MACNABB: I remain most definitely unconvinced that it would be beneficial.

Mr. DAVIS: Do you agree that a diversion nevertheless is possible say at Surprise rapids, assuming the treaty is concluded?

Mr. MACNABB: Your suggestion involves my next point, because the Surprise rapids reservoir does not fit in with the plan of development which we are now contemplating.

If you were to build the low Mica to an elevation, I believe, which is around 2,300, then you could build the Surprise dam, because Mica reservoir would back the water up to the Surprise site. But if you build the high Mica dam, this would flood out that site. You would have to draw down the reservoir, build your Surprise dam and let the water come up again.

Mr. DAVIS: You would have to pump?

Mr. MACNABB: You would have to pump an additional head of about 75 feet to 100 feet out of the Mica reservoir. But the alternative is to build a completely new dam at Surprise rapids.

Mr. DAVIS: Thank you.

The CHAIRMAN: Now, Mr. Herridge.

Mr. HERRIDGE: I am glad you assured the committee that Mr. MacNabb would be available at a later date if we wished to call him.

The CHAIRMAN: I am in the hands of the committee.

Mr. HERRIDGE: You told us this morning that Mr. MacNabb would be available.

The CHAIRMAN: As I recall it, I indicated that the material was not ready. There was a specific request for some printed material which was proposed to follow what was a fairly technical evidence given this morning and I undertook to do my best to see that it was made available to the members, or the rough notes that were to be available. Now it has been distributed.

Mr. HERRIDGE: You said Mr. MacNabb would be available at a later date.

The CHAIRMAN: Then I must correct it, if I said that, because I am in the hands of the committee.

Mr. HERRIDGE: This is a very complicated question.

The CHAIRMAN: Would you please proceed.

Mr. HERRIDGE: Therefore I shall ask just a few general questions at this time. Mr. MacNabb, were you the adviser to the negotiators when the negotiations commenced?

Mr. MACNABB: I do not believe I attended the first session of the negotiations, Mr. Herridge, but I attended all others after that point, yes.

Mr. HERRIDGE: Well, are you aware that we have been informed that the negotiations initially proceeded on the assumption that General McNaughton's plan would be the basic principle on which the negotiations would proceed?

Mr. MACNABB: Well, Mr. Herridge, I believe Mr. Fulton was quite emphatic the other day when he said that the plan which was originally put forward by the Canadian negotiators definitely included General McNaughton's proposed projects in the east Kootenay, but it also included the Arrow lakes projects. If you want to consider the Arrow lakes project as part of the general's plan, yes.

Mr. HERRIDGE: You know that Mr. Fulton, Mr. Green, and Mr. Harkness latterly did mention General McNaughton's plan in the house and referred to it as being the second best. I mean rather that the treaty plan was the second best, and that two of them publicly supported General McNaughton's plan as the one which they preferred.

Mr. MACNABB: This may be so. I must speak as an engineer and of my knowledge of the cost of these projects and the cost of power. On that basis I cannot agree. We have worked out a countless number of proposals to try to find what we felt to be the best plan of development. Most certainly the treaty plan produces the lowest cost power in Canada.

Mr. HERRIDGE: I think you made it quite clear this morning that you are dealing with this as an engineer, and that in considering this question you have not given any consideration to constitutional, humane, sociological, resource destruction, or other values of that nature, such as intangible values?

Mr. MACNABB: I am paid to make recommendations as an engineer. I hope that this does not give anybody the thought that I am a soulless computer.

The CHAIRMAN: You have never given such an impression.

Mr. MACNABB: When you study all aspects of these projects, including reservoir costs, you must get involved in the values in the reservoir, and we have done this, and I believe we have set it out in a fair amount of detail in the presentation papers, starting on page 42 and running right through to page 50 where we talk about the dislocation problems and agriculture. Now, this part deals with the east Kootenay, and there is another part of the paper which deals with the Arrow lakes. So we naturally have looked at problems in the reservoir areas. We have tried to reflect these problems in the cost of the projects. I want to make that one provision to my answer. We just do not look at kilowatts, I assure you. I too have admired the Arrow lakes.

Mr. HERRIDGE: Would you inform the committee how much time you have spent in the Columbia river basin yourself examining these intangible values?

Mr. MACNABB: I would have to say that it would be perhaps two or three weeks.

Mr. HERRIDGE: You say two or three weeks in all. What time was that?

Mr. MACNABB: One week of that would be during the water licence hearings that you are referring to, and the other periods would be prior to them.

Mr. HERRIDGE: You would consider that that was sufficient time to get a thorough understanding of those values?

Mr. MACNABB: Sir, I have people whom I rely upon for advice. If I did not rely upon those people I do not think I would ever get the necessary amount of work done. I do not think we personally can look into every facet of the problem. You must have people whose judgment you can trust.

Mr. HERRIDGE: And those people have all spent considerable time in the basins?

Mr. MACNABB: A great number of the staff of the water resources branch office at Vancouver have spent many years in the Columbia basin, too many for some of them, because they had to conduct a survey at a number of locations during summertime in the mosquito season. I have relied on the advice of those people to some extent.

Mr. HERRIDGE: And these are people who are competent to assess intangible values?

Mr. MACNABB: They are people who have gone into the reservoir to try to assess the cost which would be associated with the flooding of the area. I do not think anybody can sit down and put on paper the cost to a person who must be moved and who does not want to move. That is an intangible. You cannot put a figure on it. If you could put a figure on it, then it would not be an intangible.

Mr. HERRIDGE: I am very conscious of that.

Mr. MACNABB: I do not think anybody can do such a thing.

Mr. HERRIDGE: Yes, but has there been an accurate estimate of the agricultural potential that would be destroyed, the public property and investment destroyed, and the cost of relocation and rehabilitation? Have there been any plans made whatever in that respect?

Mr. MACNABB: I would have to limit my answer to the work that the water resources branch did for the international Columbia river engineering board back in the 1950's, when these estimates were made, which at the time were of a preliminary nature. This was the nature of all the estimates made at that time. But since that time and since the treaty was considered, any further work in the area has been done by the British Columbia Hydro and Power Authority.

Mr. HERRIDGE: Have you any knowledge of their having any over-all long term plan?

Mr. MACNABB: When Mr. Milligan was here I believe he had a map put up indicating what they proposed to do with the Arrow Lakes ferry routes and roads, which would indicate that they are doing long term planning for the area.

Mr. HERRIDGE: You mean they are commencing it?

Mr. MACNABB: I cannot tell you what stage they are at exactly.

Mr. HERRIDGE: In the hearings I referred to before, Dr. Keenleyside told us that it was planned that High Arrow should become a source of on site generation with an installed capacity of 100 megawatts. Is that a practical possibility?

Mr. MACNABB: At the time it was being considered, Mr. Herridge, I believe there was a possibility that a low head development such as this could be made economic as a source of generation by using what is called a bulb type turbine which is capable of operation under very low heads.

Mr. HERRIDGE: Yes, I heard that.

Mr. MACNABB: I do not believe the present plans for the dam consider any at site installation.

Mr. HERRIDGE: That would indicate that some previous plans were not practical.

Mr. MACNABB: They were being considered at that time, and I think on the basis of the power costs they were not practicable at that time.

Mr. HERRIDGE: I have just a couple of questions.

In the statement which was to be included as an appendix to today's proceedings General McNaughton mentions that it is now known that the figure given by Mr. Luce of 3.5 million kilowatts of surplus firm power in 1957-73 includes Libby. Then he goes on to say that in consequence the firm energy available for aluminum or other like services can be obtained directly from the

negotiators' report of October 1960. He then includes those figures and concludes by saying that, measured against the downstream benefits made possible by the treaty, the Canadian share is 32 per cent of the total.

I have the negotiators' report here which, I might say, was used as an election document in the United States to indicate to the people of the western United States what a good deal they have made.

The CHAIRMAN: Now, Mr. Herridge, you—

Mr. HERRIDGE: That is just an official aside, Mr. Chairman!

This official document is entitled "Additional kilowatts of prime power with 15.5 million acre feet at 1970 conditions". That is storage in Canada. It gives the total United States kilowatts as 1,686,000 kilowatts and the total available to Canada as 763,000. Then there are two footnotes. The first footnote points out that it is one half of the increase in average annual usable energy plus secondary energy available to the United States which is firmed up.

She second footnote relates the figure is one half of the increase in average annual usable energy.

It is quite obvious from this that, according to their figures, they will get this increase in prime power.

Mr. MACNABB: That is correct.

Mr. HERRIDGE: That was what General McNaughton was saying.

Mr. MACNABB: This includes the figure for Libby. It does not include any of the benefits on the Canadian side that we obtain from Libby. I would like to make it clear that the report to which you are referring—or at least this portion of it—is a report by the United States negotiators; it was not a joint report.

I have to go back to the basis of the division of power benefits. There is nothing in the International Joint Commission principles that says that Canada is entitled to one half of the increase in firm or prime power. It is one half of the increase in usable energy, whether that energy is firm or secondary. This is why they have put in that footnote; it is for the purpose of clarification. The difference between the 763,000 which Canada gets and the 1,142,000 which is the total for the United States—if you add up those first three figures, Arrow, Duncan and Mica—is secondary power which the United States is now generating and is now selling. This is not new energy to the United States.

Mr. HERRIDGE: On the basis of the figures given in their own report, then, it is correct to say with respect to prime power that we only receive 32 per cent of the total of all types?

Mr. MACNABB: I do not like to agree with that, sir, because that includes Libby. As I say, those figures do not indicate any benefit we obtain from Libby. Therefore, let us go back to the next figure, 40 per cent, and once again one can call that a Canadian share of prime power benefit but it depends upon what definition one wants to give to the benefit—and I go right back to say that this table does not refer to the extra energy generated in the United States and made usable by Canadian storage. If it did, it would be 763,000 kilowatts for Canada and 763,000 kilowatts for the United States. The difference, if my arithmetic is correct, is 379,000 kilowatts of energy which the United States is generating and selling as secondary now, or at this point in time, without the assistance of Canadian storage.

Mr. HERRIDGE: Why do they refer to it in this way—"power benefits"?

Mr. MACNABB: They put it in because they head it up "prime power" or, in other words, dependable power. It is true that when you add Canadian storage you change the 379,000 kilowatts of secondary power to 379,000 kilowatts of dependable power. In normal circumstances you could sell that for a higher rate as dependable. Right now in the Pacific northwest this is not

necessarily so, but conditions may change and in time one may do so. There is nothing in the International Joint Commission principles which says we should share one half of the monetary saving to the United States by upgrading energy from secondary to firm. It says Canada is entitled to one half of the extra usable energy produced, and that is exactly what we get.

Mr. HERRIDGE: I have one final question at this time. The government of British Columbia, Mr. MacNabb, has paid millions of dollars to the Montreal Engineering Company, I understand, for their work in investigations in connection with the High Arrow dam.

Mr. MACNABB: I do not believe that is true, sir. The only work Montreal Engineering have done on High Arrow was, I believe, for the federal government.

Mr. HERRIDGE: For the federal government?

Mr. MACNABB: Yes, back in the 1950's. I do not think it ran into millions of dollars.

Mr. HERRIDGE: I thought the provincial government was involved in this more latterly.

Mr. MACNABB: They are consultants to the provincial government on the Duncan lake dam.

Mr. HERRIDGE: Then why has the committee been denied the Montreal Engineering Company's estimate of the cost of High Arrow dam?

Mr. MACNABB: As I have just said, Mr. Herridge, Montreal Engineering did not prepare the estimates of costs for the High Arrow dam; that was done by C.B.A. Engineering, I believe it was Dr. Hearne who appeared on behalf of C.B.A. Engineering and said that those estimates were prepared for the British Columbia Hydro and Power Authority.

Mr. HERRIDGE: Pardon me, I had confused the firms.

Mr. MACNABB: A consultant should not give out those estimates.

Mr. HERRIDGE: Do you mean to tell me that a committee studying a project such as this should be denied by a consultant firm the costs of any project assessing the situation, when large sums of public money have been spent to obtain those costs?

Mr. MACNABB: This is a matter for British Columbia Hydro and Power Authority to decide, and I think they have given their reasons for not divulging the detailed cost, although they did give the over-all cost—

Mr. HERRIDGE: The flowage included?

Mr. MACNABB: The \$129,500,000 figure. Their purpose for not divulging the breakdown of that figure was quite clear, I think. They did not want to give the total figure they set aside for compensation to individuals in the reservoir area in order that they would not have their hands tied in future negotiations with those people. If in the future they found that their estimates were too high, they did not want to be embarrassed for the reason that they had perhaps over-estimated; and the same thing would apply if they were too low. I think they set out quite clearly the reason for not giving this breakdown. I believe Dr. Keenleyside stated this.

Mr. HERRIDGE: This means, then, that the public is being denied information obtained at public expense with respect to the cost of the High Arrow dam. This is information to which I believe the public is entitled.

Mr. MACDONALD: Mr. MacNabb, the over-all figure you have given would be regarded, by normal engineering standards, as a reliable one for purposes of estimating. Is that correct?

Mr. MACNABB: I believe so. The consultants were on the stand and they stated their complete satisfaction with this estimate.

Mr. MACDONALD: The figure is the over-all public cost of erecting the dam at that site.

Mr. MACNABB: The figure would be made up of the cost estimates by the consultants for the actual dam itself and the associated facilities. Added to that would be the cost of the reservoir which would be assessed by the British Columbia Hydro and Power Authority.

Mr. MACDONALD: The practice of not disclosing the particular cost would be a customary engineering practice, would it not?

Mr. MACNABB: Yes, for the consultants. They do this work for their clients.

Mr. HERRIDGE: When the Whatshan dam as well as some other dams were built the actual cost of the construction of the project itself was made public prior to the commencement of the construction.

Mr. BYRNE: Mr. Chairman, it is quite out of order for Mr. Herridge to put these questions to Mr. MacNabb. They are not questions, they are statements.

Mr. HERRIDGE: It was just an illuminating observation.

Mr. PUGH: Following up on this, out of all these figures they reached the figure of 1.7 mills, I believe.

Mr. MACNABB: Our figure is 1.9 mills for the over-all development.

Mr. PUGH: That is for the full development. Are you satisfied with the figure?

Mr. MACNABB: I have the utmost faith in the firm that provided those figures.

Mr. PUGH: Did you examine their work in detail?

Mr. MACNABB: I have not gone over every calculation but I have seen enough to be satisfied that their methods are correct.

Mr. PUGH: I have several points which I should like to make as we go along. We talked about diversion to the prairies. You mentioned that it would be logical to pump from Mica. What is the difference in elevation between Mica and the Surprise rapids?

Mr. MACNABB: The elevation at Surprise rapids, as we contemplated it, was 2,551. I am not sure whether the Saskatchewan brief still assumes that elevation. I believe it will because if you go higher you begin to flood the town of Golden. The upper elevation of Mica, as presently envisaged, is about 2,475.

Mr. PUGH: With the draw down?

Mr. MACNABB: The draw down would be 150 feet. It might be more than that.

Mr. PUGH: Where do you see this pumping going, over what part of the Rockies?

Mr. MACNABB: This particular scheme—and I should point out that there are a number of them—took the water up the Bush river I believe, pumped it up into Glacier lake on the eastern slopes and then down through the Red Deer into the South Saskatchewan river. The Red Deer joins the South Saskatchewan, I believe, at the Saskatchewan-Alberta border.

Mr. PUGH: Was that the most feasible project put forward?

Mr. MACNABB: Not necessarily. In fact, it is one that shows one of the higher costs. In the presentation paper we had costs on the Columbia ranging from \$7.50 per acre foot—this was pumping out of Mica—but it should be remembered it did not include any of the cost of Mica and this may be one of the reasons why it was quite low. The Surprise rapids was \$10.50 and diversion out of the Kootenay river is \$7.60.

Mr. PUGH: The first one did not take into account the cost of the building of Mica, but certainly there would be a rental for that power. Was that the rental you were speaking about before?

Mr. MACNABB: Yes. In their report they say they would compensate British Columbia for the power lost to British Columbia through this diversion, but the compensation was only at 1.5 mills.

Mr. PUGH: Has anything been put forward to you as to the possible time for the diversion into the prairies?

Mr. MACNABB: I must rely on the brief presented by Saskatchewan. If my memory serves me well they indicated they would want the Columbia diversion to begin at about the turn of the century.

Mr. PUGH: At that stage there would be very little effect on the downstream benefits.

Mr. MACNABB: There would be a capacity loss at that time. Some capacity would be lost and there would still be a fair amount of energy lost.

Mr. PUGH: The main effect would be on energy in Canada through Mica and the other dams.

Mr. MACNABB: Yes, if the Columbia development were to go ahead in Canada, it would be fully developed at that time.

Mr. PUGH: That is all I have on this subject.

To go back to a statement made this morning in regard to Libby and to peaking, you say on page 15:

This will not leave Libby a useless project as has been suggested. Libby at that time will be basically a peaking project itself and its value to the United States in that role will continue even with the diversion.

The question I have is in regard to our own developments on the West Kootenay. Would this diversion materially affect the power producing potential on the Kootenay river?

Mr. MACNABB: It would certainly affect the energy potential. The amount of energy you generate depends on the amount of water you have. However, it should not affect the peaking capacity of those plants on the Kootenay river. The same reasoning applies to the Kootenay plants as would apply to Libby, but the Kootenay plants would be somewhat better off because they would get a much greater inflow below the point of diversion than would the Libby project. For example, they would get the flow from the Duncan river and the other tributaries to the Kootenay below the Canadian-United States border.

Mr. PUGH: I do not quite follow you. The dam provides a more or less continuous flow but I was thinking about Libby, because you mention in your brief on page 15, that it "will continue even with the diversion". I am speaking here of the peaking ability. We will not be affected to the extent that the United States will on Libby, that is if and when a diversion is put in, but would it detract from any of our power ability on the Kootenay river right now?

Mr. MACNABB: You mean the potential?

Mr. PUGH: They are thinking of a tunnel.

Mr. MACNABB: It would detract from the energy potential of those plants but it would not necessarily detract from the capacity of those plants.

Mr. PUGH: I asked the officials when they were here and they said they were quite satisfied with the whole project. Do you think it would be a loss to Canada when you balance one against the other, that is the whole of the Mica complex down through the Arrow lakes against the water coming down through Libby and the Kootenay? Would there be a loss in power potential?

Mr. MACNABB: Certainly we would get a greater power output in Canada if we put in the East Kootenay projects and diverted the flow of the Kootenay around to the Columbia because we would be putting the diverted flow of the Kootenay river over a greater head in Canada, about 600 feet greater. As I say, you must not just look at the kilowatt hours involved but also the dollars and cents involved. If, in the future, you want to exercise the legal right the treaty gives us to make these Kootenay diversions, or if you want to extend it, this would not mean that the Kootenay plants in Canada would be useless projects. They still would continue to be quite valuable projects.

Perhaps I can read the whole paragraph of General Itschner's testimony. I read only a sentence this morning. General Itschner stated:

The average annual flow of the Kootenai river at Libby dam site is about 10,000 c.f.s.

This is under existing conditions

Applying the flow limitations cited in the paragraph above, annual flow at Libby dam site, after the sixtieth year, could be reduced from 10,000 c.f.s. to 3,200 c.f.s.; after the eightieth year, it could be reduced to 1,700 c.f.s.

In other words, that is a reduction of 83 per cent in the amount of water available to Libby. He carries on:

Although the energy generation would be reduced substantially under these conditions, the project investment would be amortized before these conditions would be experienced. The project, however, would still produce substantial amounts of power economically and continue to provide its full measure of flood protection.

So, the principal use of the project at that time will be as a peaking project and the diversion will not affect substantially that role of the Libby dam; it will reduce the energy output but not the peaking output.

Mr. PUGH: I believe in your initial statement which you made before the committee you did quote that full paragraph.

Mr. MACNABB: I believe it was quoted either by myself or someone else.

Mr. PUGH: Those are all my questions, although I have one further point on which I would like to have some clarification.

In regard to engineers and so on it was my understanding that Mr. Herridge said all of them had expressed themselves in favour of the Bull river, Dorr and related works, and I was wondering who all of them were.

Mr. HERRIDGE: What was this in connection with?

Mr. PUGH: A statement you made a short while ago.

Mr. HERRIDGE: I did not say "all".

Mr. MACNABB: I believe Mr. Herridge was making a reference to Mr. Green.

Mr. HERRIDGE: Yes, I was mentioning the comments made publicly by Mr. Fulton, Mr. Green and by Mr. Harkness recently in the House of Commons.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I was interested this morning in your comments in respect of the diminishing value of downstream benefits when you pointed out this diminution would be offset by increments of benefits in the form of power production.

Mr. MACNABB: At site power production.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Can you tell us approximately what proportion of the total investment in the treaty projects the High Arrow dam will comprise? What proportion of the total cost would that be?

Mr. MACNABB: I believe it is in the presentation paper. It would be about 30 per cent.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): And what would be the increment in benefits of this type resulting from the High Arrow dam?

Mr. MACNABB: You can also derive that from the presentation paper.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): This is derived through downstream benefits?

Mr. MACNABB: Yes.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): But you spoke of other compensating factors in respect of the increase in the potential for power production balancing the diminution of downstream benefits.

Mr. MACNABB: Yes, I was speaking about the alternative development in the United States which Mr. Bartholomew compared to the treaty development. I said those projects which would be included in the United States alternative are purely independent developments and would have large at site peaking installations, and that those installations would more than offset the reduction in the downstream benefits from the United States projects, so as time went on the value of the projects remain relatively constant.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Would we be receiving payment on the one half of those peaking benefits?

Mr. MACNABB: We would not. This is a reference to a completely independent development by the United States.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): And, it brings nothing to Canada?

Mr. MACNABB: No, there is no investment by Canada. If the United States were to go it themselves Canada would have no interest in it.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I understood you to suggest the diminution of downstream benefits which will take place over the years will be offset to some extent and I thought you meant so far as Canada is concerned.

Mr. MACNABB: I believe I was referring to this chart which I passed out this morning, which is entitled storage project evaluation. This is a coloured chart and these are just examples of two projects within the United States, the Ena-ville and Bruces Eddy projects. This had no bearing upon the Canadian projects. But, I used this chart to show that I could not agree nor could the corps of engineers report agree with Mr. Bartholomew's feeling that the downstream benefits themselves did not diminish with time. Now, here is an indication that in evaluating their own projects they acknowledge the downstream benefits do diminish in time.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): But, they are offsetting, so far as they are concerned.

Mr. MACNABB: In the case of an independent development it would be offset by the peaking capacity which, through time, would increase in value.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Then it would continue without any further payment to Canada in that respect?

Mr. MACNABB: If they were going it themselves there would be no payment at all.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): A while ago you remarked you were engaged to give engineering advice to the government and the negotiating team.

Mr. MACNABB: That is one of my responsibilities, yes.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Were you in that position at the time Mr. Fulton was the head of the negotiating committee?

Mr. MACNABB: That is correct.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): In view of the statements that were reported by Mr. Herridge just now, can you give us any explanation of how it was Mr. Fulton and two of his colleagues seemed to consider that the advice you had given them indicated a preference for the McNaughton plan.

Mr. MACNABB: Mr. Cameron, I do not pretend to be a mind reader. Certainly, the engineering advice and the engineering conclusions have been consistent throughout, and I believe that Mr. Fulton, when he was here the other day, clarified his statement concerning second best. I would have to refer to his actual testimony to see what exactly it was he said. I do not want to be putting any words into his mouth.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): But the advice you have given has always been consistent to both governments.

Mr. MACNABB: The results of our calculations always have indicated if we could get a favourable treatment of Libby with the United States paying all or most of the cost at Libby, and Canada retaining the downstream benefits in Canada this would produce cheaper energy for Canada than would the maximum diversion of the Kootenay river. I must clarify that to some extent, provided we could get the diversion at Canal Flats also, which the treaty does for us.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): And this was the advice that was tendered to the former government and the negotiating committee of which Mr. Fulton was head?

Mr. MACNABB: This developed, shall we say, during the course of negotiations. We did not start out in the spring of 1960, saying here is what we are going to do, and carry on from there. As we have said, we started off by putting forward a proposal which included these Kootenay projects, Arrow lakes, Mica and Duncan, to try to see what was possible in the way of downstream benefits. Now, the actual treaty proposal evolved throughout the negotiations.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): But up until the time of the signing of the treaty by the Conservative government the advice you were giving was in favour of the present treaty plan or something quite close to it?

Mr. MACNABB: The advice we were giving them was that any plan of development in which we got a very favourable treatment of Libby, as we do under the treaty, it would produce lower cost power for Canada than the development of the maximum diversion of the Kootenay river.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I have one or two other questions which I would have asked earlier in the hearings but I was not really sure what your position was.

You will recall that originally you were modestly introduced as of the water resources branch, and then as the hearings went on and now, today, you are appearing as the chief government witness. It becomes evident you have been the chief technical adviser of the government of Canada in the negotiation of the treaty.

Mr. MACNABB: No; I would not say the chief technical adviser. That also has evolved, if you like. I would hesitate to say I am that now, but certainly I have been involved in the negotiations both of the treaty and of the protocol.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Do you think it rather strange, if there was someone else who was a more significant figure as a technical adviser of the government, that the government has not seen fit to bring him before this committee.

Mr. MACNABB: I just hesitate to state my own position. I will let somebody else do that. Certainly I have been the engineering adviser during the negotiation of the protocol.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): It would be fair to say you have been the chief technical adviser in the recent stages.

Mr. MACNABB: Yes.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Since when?

Mr. MACNABB: That is difficult to pin down. One does not know when something like that begins. If you would like me to give a date, it would be in the very late stages of the negotiations of the treaty.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Before the treaty was signed?

Mr. MACNABB: Yes.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I think you realize my concern that the government should not be treating this committee cavalierly in keeping behind some more important figure than you and sending you to do the job and to represent the position of the government on this committee.

The CHAIRMAN: Queen's men always are modest.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I think you are doing a very good job, but I wanted to be sure what position is. Would you agree that just before the signing of the treaty you have been, in effect, the chief technical adviser of the government of Canada?

Mr. MACNABB: They have relied upon me to a considerable extent for engineering advice, yes.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Who else have they relied on?

Mr. MACNABB: During the negotiations of the treaty we had what was referred to as an international work group. I have to search my memory to say who was on that.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Who would report from that group to the government?

Mr. MACNABB: At that time, in the early stages of the treaty negotiations, the Canadian chairman was Mr. Purcell who is now chief engineer of the British Columbia Energy Board. In the late stages of the negotiations when he left, Mr. Ramsden, the district engineer in Vancouver of the water resources branch, reported as Canadian chairman of that group, and I was a member of the group. Mr. Ramsden is located in Vancouver, and I am here, and since the treaty negotiations, the task has been more on my shoulders. There is no official designation with regard to what my role is.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): It becomes fairly clear what your role has been. In view of this, I think you will understand one might have a certain pardonable curiosity about your career. At the outset I must say that I did not recognize you as the chief technical adviser of the government. It seemed to me, in my old age, that you are very young to be holding that position, and I must congratulate you for reaching it.

Mr. MACNABB: I am aging quickly.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): During your first presentation you told us you were graduated ten years ago.

Mr. MACNABB: Yes, almost exactly ten years ago.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): And you immediately joined the water resources branch.

Mr. MACNABB: Yes, in Vancouver.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Could you give us some indication of the sort of work in which you were engaged in your first few years as a fledgling engineer?

Mr. MACNABB: Yes. In the first few months I started in the hydrometric section of the water resources branch which is responsible for measuring the flow of rivers and gauging stream flows. I was involved in this work for five or six months until the fall of 1954. Then I went into the Columbia work directly at that time.

My first responsibilities were to assist in the design of the Columbia river project which we were being considered for the international Columbia river engineering board.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): The design of the installation?

Mr. MACNABB: The preliminary designs of the installations, and these earlier designs evolved into the ones which appeared in the report of the international Columbia river engineering board. I proceeded from that to responsibility for the power studies to determine what these projects could produce in the way of power, both the independent studies carried on within Canada, and also the international studies for the international Columbia river engineering board on the sequences, such as sequence IXa, which were carried out at Portland, Oregon, in the office of the corps of engineers.

After this period of about four years, I moved to Ottawa. I participated in the work of a work group set up by the International Joint Commission to assist them in the negotiation of the principles. I followed that into the treaty negotiations where I assisted, and finally into the negotiation of the protocol.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): The work in the preliminary planning of the Columbia river treaty was your first experience in planning a major hydroelectric project, was it?

Mr. MACNABB: Yes, sir. We do not indulge in that at Queen's University, with due deference to the Chairman.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Thank you, Mr. MacNabb.

The CHAIRMAN: You appreciate that is on the basis of the superb academic preparation.

Mr. BYRNE: I suggest that if we do not get a move on in this committee, we will be through another generation of engineers.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Perhaps the next lot will go through even quicker than Mr. MacNabb.

The CHAIRMAN: Are there any further questions?

Mr. BREWIN: I would like to follow up one of the questions asked by Mr. Cameron, because I may have misunderstood the answer. I believe Mr. Fulton, in his evidence, acquiesced in a statement that a speech he made earlier was accurate in which he had said that at one stage of the negotiations the United States negotiators had agreed to negotiate on the basis of the withdrawal of their request to include the Libby project.

Mr. MACNABB: Yes; that is correct, Mr. Brewin. However, at the same time they had placed certain conditions on that withdrawal.

Mr. BREWIN: Yes; I think he said that. My recollection is that at that stage the Canadian negotiators were proceeding on the advice of their consultants, who I assume would include yourself, to put as a first basis of negotiation some matters called sequence IXa plus, if you like, the High Arrow.

Mr. MACNABB: Plus High Arrow.

Mr. BREWIN: That is correct.

Mr. MACNABB: Yes. It all depends on what you can negotiate for these. If, in pressing this further, they had found they could have negotiated a very

favourable deal for the east Kootenay project in Canada, then perhaps it would have turned out to be the best plan economically.

Mr. BREWIN: I understand Mr. Fulton to say that then the representatives of the British Columbia government stepped in and caused a change to develop by stating that they would not consent to any plan which involved the flooding of the east Kootenays; is that right?

Mr. MACNABB: That is correct.

Mr. BREWIN: Was the change of direction therefore the result of the intervention of the British Columbia government rather than as a result of advice tendered to the Canadian negotiators by their own advisers?

Mr. MACNABB: Let me say that the advice of the engineers was available to both governments at all times, and perhaps the change of heart, if you like, of the British Columbia government was based partially on the advice of the engineers in respect of the economics involved. As the British Columbia representatives indicated, it was not only the economics which were involved but also that any reservoir built in the Rocky mountain trench would result in considerable disruption to transportation.

Mr. BREWIN: Was it suggested by you as one of the advisers of the government, for example, that it should proceed to negotiate for a project which included the Libby project at a stage before the intervention of the British Columbia government?

Mr. MACNABB: It was not up to us to suggest what should be negotiated. It was up to us to put forward all the alternatives and the costs of the various alternatives as we saw them and then for the negotiators to decide which one they should select to proceed to negotiate.

Mr. BREWIN: As a result they did decide to proceed with a sequence that did not involve Libby?

Mr. MACNABB: That is correct.

Mr. BREWIN: I put it to you that the elimination of the Libby project was sought by the Canadian negotiators and at some stage of the proceedings acceded to by the United States negotiators?

Mr. MACNABB: This was acceded to, Mr. Brewin, only after very considerable conditions were placed on that concession. This is spelled out in some detail on pages 66, 67, 68 and 69 of the presentation paper. At the top of page 68 appears the following statement:

The logic of the Canadian situation indicated that its negotiating position would be strongest if based on the storages that showed the highest benefit-cost ratios: High Arrow, Duncan, Mica and the Canadian East Kootenay storages at Dorr and Bull river-Luxor. This was the position adopted despite the knowledge that, taken by themselves, it was doubtful the East Kootenay storages would be the best bargain for Canada. It was recognized by the Canadian engineers on the technical liaison committee from the outset that they would not be the best bargain if (1) a first-added position could be secured for the other Canadian storages, placing all of them ahead of Libby, regardless of the fact that Libby could be built ahead of Mica, and (2) Canada had almost no cost to pay on Libby and got substantial benefits from it.

The second paragraph on that page reads as follows:

Canada accordingly argued for its storages and rested its case squarely on general principle number one.

That is the principle in respect of the benefit cost ratio. To continue the paragraph.

British Columbia had accepted the position with some reluctance because of the flooding involved in the East Kootenays. The United

States made it clear that 'factors not reflected' in the benefit-cost ratio were of great importance to it and that, if Canada would not agree to the Libby storage, it would not agree to first-added position for the Canadian storages unless it got the kind of advantages it knew it could get from Libby. This would have involved a sale of power by Canada to the United States to the extent of 275,000 kilowatts at about 2.5 mills per kilowatt hour. Any such conditions would rob the Canadian East Kootenay storages of the marginal advantages they had. In that situation the province of British Columbia decided it could not agree to the extensive flooding in Canada that our storages would require.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): What are the factors which were not reflected?

Mr. MACNABB: That quotation is taken from the I.J.C. principle itself which reads as follows:

Co-operative development of the water resources of the Columbia basin, designed to provide optimum benefits to each country, requires that the storage facilities and downstream power production facilities proposed by the respective countries will, to the extent it is practicable and feasible to do so, be added in the order of the most favourable benefit-cost ratio, with due consideration of factors not reflected in the ratio.

In the opinion of the United States one of these factors was the timing of the projects. At that time it was desired that power from the Columbia should be provided as soon as possible and United States officials asked why should we credit Mica with a first added benefit when in fact it would take two or three years longer to build than Libby and we could be generating power at Libby two or three years before Mica? They thought the physical availability of the project was one of the conditions which was not reflected in the cost benefit ratio.

Mr. BREWIN: Were there other factors involved?

Mr. MACNABB: There may well have been, Mr. Brewin, but certainly the major one was the physical availability of the project.

Mr. HERRIDGE: Mr. MacNabb, do you know that the report of the department of agriculture indicated that if we had accepted General McNaughton's plan we would have had an increase in productive agricultural land to the extent of 3,000 acres?

Mr. MACNABB: Yes, I am familiar with that report. In fact I read out the complete one page report in this room the last time I appeared, and Dr. Leahey commented in this regard.

I notice that General McNaughton stated in the brief presented that in the East Kootenays the valleys are broad with extensive bench lands above the area of flooding but within an elevation of 200 to 300 feet of the water level to be provided.

Dr. Leahey suggested to me that if the water was within approximately 50 feet of these bench lands it could be pumped economically to irrigate the type of soil which is available on these bench lands, but he doubted whether the potential of the land would support the pumping costs over a head of 50 feet unless, of course, the power was very cheap. I do not see how cheap power can be provided in the east Kootenays under General McNaughton's plan because this is a power deficient area and it requires more power to drive the pumps at the Bull river dam to pump water up from Dorr into the Bull River-Luxor project than is produced by the Dorr and Luxor plants themselves. Any power that is used in that area must be transmitted into that area and I would suggest that the more practical project would be one

which attempted to control the water coming down out of the mountains and use that to irrigate that land rather than pumping it out of a reservoir.

Mr. HERRIDGE: I understand the Department of Agriculture included that cost in that report.

Mr. MACNABB: I do not think that report dealt with the economics of the situation at all. The report stated that physically there existed this amount of land there of marginal potential. The report did not suggest this land was of high quality. It suggested that this land was of the same potential as 26,000 acres of land that existed in the bottom valley which would be flooded, and could produce low price crops if irrigation could be provided.

Mr. HERRIDGE: That report indicated we were not flooding valuable lands?

Mr. MACNABB: That is correct. There are some 26,000 acres in the valley bottom which are not of high quality.

Mr. HERRIDGE: This land is very different from the Arrow lakes land, is that right?

Mr. MACNABB: I presume you have also read the report of the Department of Agriculture in respect of the High Arrow lakes land?

Mr. PUGH: Which Department of Agriculture is involved in respect of these reports?

Mr. MACNABB: The federal Department of Agriculture was involved in both cases.

Mr. HERRIDGE: Yes, the federal Department of Agriculture was involved.

Mr. MACNABB: I will not deny the fact that there is some good land in the Arrow lakes area, some of which is owned by Mr. Spicer.

Mr. HERRIDGE: There are a good many thousand acres of good land in the Arrow lakes valley.

Mr. MACNABB: Those acres are not all owned by Mr. Spicer, of course.

Mr. HERRIDGE: No. If your argument in respect of pumping costs is correct, why would the representatives of the Saskatchewan government indicate in their brief that it was economical to pump water even to a higher elevation to irrigate land on the prairies?

Mr. MACNABB: Perhaps there is a great difference in the quality of land involved, but I am not capable of making a judgment in that regard, Mr. Herridge. I have relied upon what the Department of Agriculture people have told me, and my information is that it would not be economical to pump over, I think it was either 50 or 80 feet, to get water to these lands. And this would seem reasonable from the report they have as to the value of the bench lands. I do not know whether you can pump water up to support cattle grazing. I do not know whether it is economical to do so. Yet, and this is what they say, that land would be only suitable for uses such as grazing.

Mr. HERRIDGE: This is another indication that we have not had a careful over-all study in relation to the potentials of this basin such as would occur in the United States.

Mr. MACNABB: I believe if you look at the testimony of Dr. Leahey you will find that he said that with the development of these projects in the future, as permitted by the treaty, there would probably be a time when these bench lands would become needed for agriculture; and he said that they would perhaps phase in very well with the Treaty rights, but there was no demand for them now which would support irrigation costs.

Mr. HERRIDGE: I have two other questions.

The CHAIRMAN: Do not hurry.

Mr. HERRIDGE: Thank you very much. This is very unusual on your part. You mentioned that Mr. Ramsden had a hand in the early work of the investigation of the Columbia.

Mr. MACNABB: Yes, that is correct.

Mr. HERRIDGE: Did Mr. Ramsden at that time support the building of the High Arrow dam?

Mr. MACNABB: Yes, I believe Mr. Ramsden has been consistent in his support of the project.

Mr. HERRIDGE: When the treaty was first signed we were informed that the cost of the High Arrow dam would be \$72 million, if I remember correctly.

Mr. MACNABB: I believe that was the early figure which we used during the negotiation of the treaty.

Mr. HERRIDGE: What was the cost benefit ratio of storage at High Arrow?

Mr. MACNABB: I worked it out in this room and I believe the answer I came up with was somewhere between three and four to one.

Mr. HERRIDGE: What is it now with the cost estimated at \$129 million?

Mr. MACNABB: The estimated benefit-cost ratio we have now is 1.8 to one. Almost two to one.

Mr. HERRIDGE: What is the estimated cost benefit ratio of Mica?

Mr. MACNABB: Mica is a different problem because it is a multipurpose project. It produces downstream benefits, but its principal reason for existence is the production of at site power. So its cost benefit ratio depends on what value you want to put on the at site power which it would develop. Its cost benefit ratio should not be determined solely on the value of the downstream benefits it produces.

Mr. HERRIDGE: Have you any estimate of it?

Mr. MACNABB: We have worked it out. I think it is about 1.3 or 1.4 to one, or within that range.

Mr. HERRIDGE: That compares very favourably does it not?

Mr. MACNABB: Yes, but the reason it compares favourably is the fact that we get the first added credit for these downstream benefits that it contributes in the United States.

Mr. HERRIDGE: That is all.

The CHAIRMAN: Are there any more questions?

Mr. BYRNE: I move we adjourn.

Mr. MACDONALD: I understand that this is the last witness and that Mr. Martin is prepared to appear tomorrow morning to close the committee hearings on the treaty.

Mr. BREWIN: What do you mean when you say "close"? Cannot the committee itself decide that?

The CHAIRMAN: Have you any further questions?

Mr. HERRIDGE: Not at the present time. I did mention at the steering committee that we had two other witnesses we wished to call from among the officials.

The CHAIRMAN: That would be up to the steering committee. I am in the hands of this committee as to who is called. Perhaps you would indicate who those persons are.

Mr. HERRIDGE: They are Mr. Patterson and Mr. Olson.

Mr. MACDONALD: My understanding is that Mr. MacNabb is the best witness available on a particular area as to which Mr. Patterson might be called. Mr. Patterson has not had continuous contact with the situation that Mr. Mac-

Nabb has had, thus inevitably Mr. Patterson would have to refer at length to Mr. MacNabb.

The CHAIRMAN: Gentlemen, at this time I take it that there are no further questions of Mr. MacNabb. I do not quite understand what Mr. Herridge meant when he said "not at this time".

Mr. HERRIDGE: I was referring to the fact that this is a very technical document for people like us to deal with, and we would like some time to look it over, such as a day, but not long.

The CHAIRMAN: Would it be agreeable to Mr. MacNabb if he were available when the minister appears, the Secretary of State for External Affairs appears tomorrow, in case there should be a question or two?

Mr. HERRIDGE: There will not be many.

The CHAIRMAN: Now, gentlemen, I point out to you that two people have been invited to appear on Friday morning at nine o'clock. Clifton H. Parker, of the union of operating engineers, has not acknowledged the invitation I sent him by full-rate telegram last evening. This was an accommodation to Mr. Parker because he was apparently unable to fulfil an earlier appointment that we had for him and the other invitation was to Mr. A. P. Gleave of the National Farmers Union. It was certainly not clear from Mr. Gleave's communication to us refusing acceptance of the first date that we made available to him, whether he really hoped to be here later. I simply indicate to the committee that we have had no acknowledgement, to my knowledge yet, from either of these gentlemen. There may be any number of explanations.

Mr. HERRIDGE: When did you get in touch with him?

The CHAIRMAN: Both of these gentlemen were advised of this date being available yesterday evening, at 7.30 or 8.00 o'clock—approximately eight o'clock; and you will appreciate that in each case this was a second opportunity which we were making available to them. So that pursuant to the motion of the committee this morning I think we are bound to expect that Mr. Parker and Mr. Gleave, or both of them, might be here on Friday.

Mr. MACDONALD: It would seem to me that we might expect that if Mr. Gleave or Mr. Parker have no intention to appear, it might be courtesy on their part to advise us accordingly, and that if they fail to advise the committee, we should come to the assumption that they will not be here.

The CHAIRMAN: I am in the hands of the committee.

Mr. HERRIDGE: Mr. Chairman, Mr. Macdonald does not quite understand the situation. Mr. Parker was getting in touch with the construction unions and the British Columbia hydro unions and they were going to make a co-operative approach. This may take him a day or so. Mr. Gleave is sometimes difficult to reach; he is not always in Saskatoon.

The CHAIRMAN: In neither instance have we received any brief, although the letter from Mr. Gleave indicated there would be some documents forwarded to us. Up to this point of time they have not arrived.

Mr. PATTERSON: Mr. Chairman, in reference to the suggestion that Mr. Parker has to get in touch with other groups, may I say that if he was in earnest about this proposition he would surely have been in contact with them before and had this whole matter lined up rather than waiting until the last minute and then not being able to carry through the proposition. It seems a little inconsistent.

Mr. HERRIDGE: These people are reading the minutes of the proceedings with great interest and they have particular things they want to discuss.

Mr. PATTERSON: It is an impossible situation to expect that they can read the very last minutes that come out and then come and make their submission.

The CHAIRMAN: I am sorry I do not have Mr. Gleave's letter here but members of the steering committee who have seen the letter will remember that it was indicated that Mr. Gleave really had no intention of appearing. However, we did want to extend the courtesy of an invitation, and I cannot explain why we have had no acknowledgement.

Mr. PUGH: I move we go ahead in camera and start on our report with power to open up again to hear these two witnesses if they wish to come here shortly. We have a great deal of material to consider, and I think the steering committee should set the dates so that we can get on with it.

Mr. MACDONALD: I think we should not go ahead with preparing our report until we have had the complete transcript of evidence printed. It seems to me that in the circumstances the best way out of the impasse might be to proceed tomorrow, if Mr. Cameron and Mr. Herridge would like some time in order to consider the material throughout the day, and perhaps Mr. MacNabb would make himself available. We might then have a better idea about the position of the two potential witnesses.

Mr. HERRIDGE: We will not be rushed tomorrow and I suggest, therefore, in order to give us a chance to do some dictating and other things, that we meet with Mr. MacNabb at 3.30.

Mr. PUGH: Is the minister not coming tomorrow?

Mr. MACDONALD: I presume, in accordance with the procedure of the house, the minister would basically be closing the debate on the matter. My initial proposal was on the assumption that there were no more witnesses.

The CHAIRMAN: Is it agreeable at the moment to the members of the committee that we should hear Mr. MacNabb tomorrow? Perhaps by tomorrow we may be in a position to determine whether or not we could hear the Secretary of State on Friday or tomorrow evening. Is there any advantage in postponing it until 3.30? Notices are already issued and there may be some embarrassment to some members who are not with us at the moment. Could we not meet at the regular hour? In the intervening period we may be able to ascertain the position in regard to these two potential witnesses and then to give the committee a decisive answer.

Mr. MACDONALD: In view of the fact that the house is not sitting tonight there will be plenty of opportunity to prepare for tomorrow. I suggest we meet at the regular hour tomorrow.

Mr. HERRIDGE: Yes.

The CHAIRMAN: Is that agreed?

Agreed.

Mr. PATTERSON: Was there any discussion about sitting on Friday? Is there any intention of sitting on Friday afternoon? The estimates of external affairs will be before the house on Friday.

The CHAIRMAN: We appreciate that. Would you permit us to take a fresh look at this matter?

Agreed.

APPENDIX R

F. J. BARTHOLOMEW
VANCOUVER, BC.

May 12, 1964.

John R. Matheson, Esq., M.P.,
Chairman,
External Affairs Committee,
House of Parliament,
Ottawa, Ontario.

Dear Mr. Matheson,

May I be permitted to submit a possible correction to evidence I submitted to your Committee regarding my authority for information I had received regarding the interpretation of results from a single drill hole sunk at the Dorr dam site?

I informed the Committee that Dr. W. Smitheringale had informed me of the geology of the Rockie Mountain Trench in that area and I am not quite certain that this was the case and as Dr. Smitheringale is out of town, I am unable to confirm or correct the statement.

However, I did discuss the matter with General McNaughton in the summer of 1962 in Ottawa after my return from a business visit to Europe. Criticisms had appeared in the press questioning the validity of basing cost estimates on the results of a single drill hole. At the time of my visit, we discussed the difficulties which had been indicated for a High Arrow Dam near Robson and we compared the problem there with the relatively much simpler situation which existed at Dorr.

I have asked General McNaughton whether he recalls the conversations we had at that time and I have advice from him informing me that he does remember our meeting and discussions and that he advised me that the single drill hole at Dorr was considered sufficient for preliminary planning and estimating.

I have discussed the matter with other authorities and I believe the tenor of discussions with Dr. Smitheringale followed the same course as those with General McNaughton, but at the moment I am not certain.

It is two years ago, of course, since these discussions took place and in the absence of notes made at the time, I was relying on my memory.

I hope that you and your Committee will not hold it against me that I may have inadvertently ascribed my authority to an incorrect source and have now added a second source, namely General McNaughton, of which I am quite certain. Kindly accept my apologies.

Sincerely yours,
F. J. Bartholomew.

APPENDIX S

Statement to be given on behalf of General A. G. L. McNaughton in External Affairs Committee on Wednesday, May 20, 1964.

It is now known that the figure given by Mr. Luce of 3.5 million K.W. of surplus Firm Power in the period 1968-1973 includes Libby.

In consequence the Firm Energy available for Aluminum production or other like service can be estimated directly from the Negotiators Report of October 19, 1960 as follows:

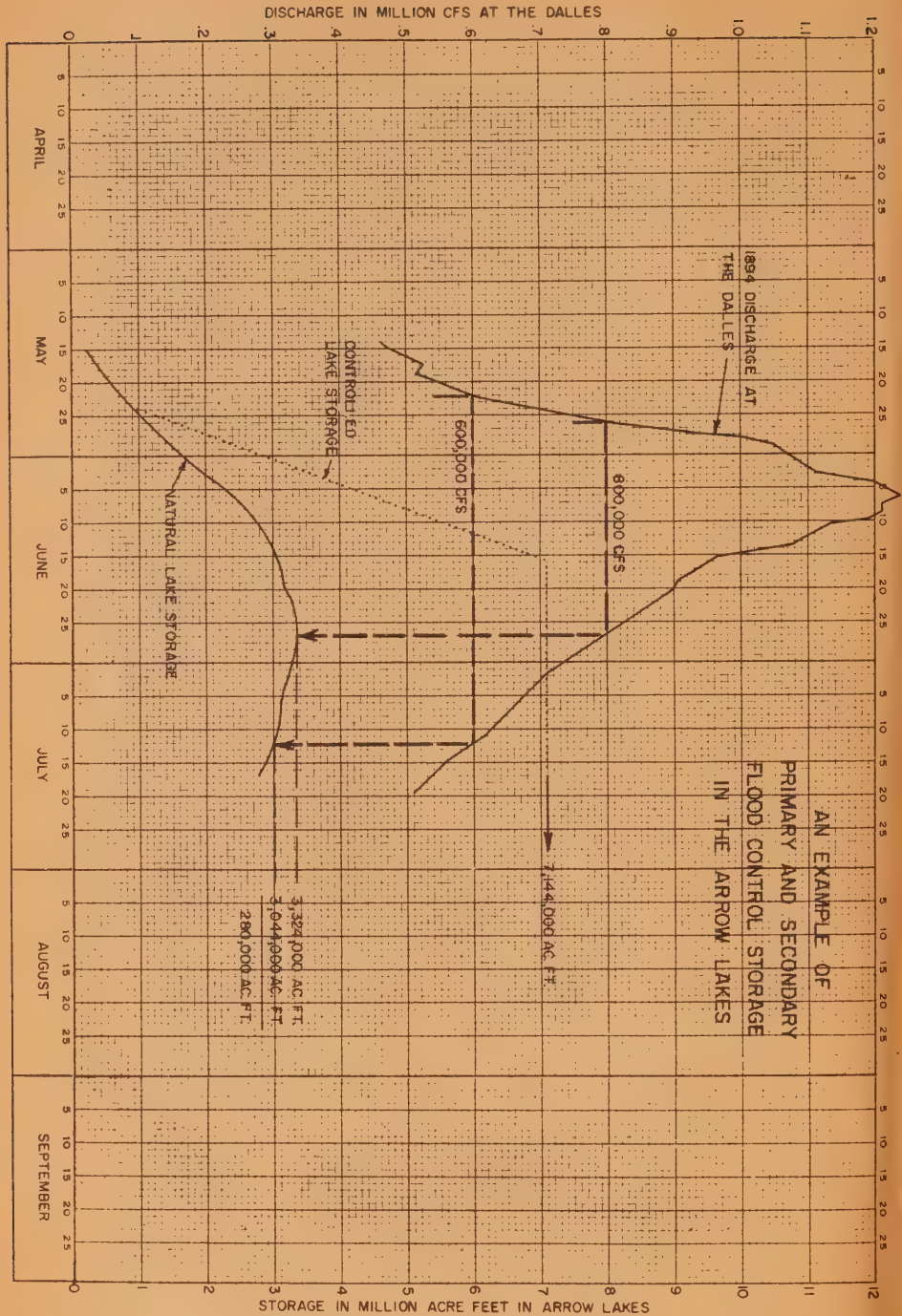
	M.W. Prime Power		Total
	U.S. Share	Can. Share	
3 Canadian storages	1,142	763	1,905
Libby	544	—	544
Total	1,686	763	2,449

Note that the Canadian share of 763 M.W. of Prime Power which is sold, represents $\frac{763}{1,905} = 40\%$ only, in place of the even division of the down-stream benefits of the 3 Canadian Storages as provided for in the International Joint Commission principles.

Measured as against the down-stream benefits made possible by the Treaty, the Canadian share is $\frac{763}{2,449} = 32\%$ of the total.

A. G. L. McNaughton.

APPENDIX T



APPENDIX U

OTTAWA, 20 February, 1963.

Mr. J. K. Sexton,
Director, Civil Engineering,
Montreal Engineering Company,
244 St. James Street West,
MONTREAL 1, P.Q.

Dear Mr. Sexton:

On page 15 of your 1961 report for this Department, entitled "Factors Affecting the Cost of Columbia River Power in Canada", the following statement is made:

"It should be noted that under the design assumptions made in the preparation of the above estimate the downstream benefits received from the United States at Oliver could be transmitted on a firm basis to the load centres over the 345,000 volts system *without necessity of the stand-by transmission in the United States specified in Article X of the Treaty.*"

The above noted statement has been seized upon by critics of the Treaty to support statements such as the following quotation from the text of a talk by General A. G. L. McNaughton:

"... Montreal Engineering reports this service to be unnecessary. In fact, the U.S. intention is, *I think*, to create an inducement to draw Canada, a little later on, into a co-ordination arrangement which would be primarily of advantage to the U.S."

We should appreciate some elaboration of the statement contained in your report so that we would be better prepared to answer such criticism. We are naturally concerned that the views of technical advisers during the negotiations are not supported by your report. These advisers felt that the existence of east-west stand-by service through the United States Pacific Northwest could ultimately save Canada the expense of a 345 kv circuit which would otherwise be required as insurance against the failure of a line. The Bonneville Power Administration felt that the \$1.50 per kw stand-by charge, which was \$0.90 less than the usual B.P.A. wheeling rate, would save Canada \$800,000 per year (when compared with the usual rate) "... as well as eliminating the need for Canada to construct and, therefore, saving the cost of one 345 kv line".

Clarification of your statement would let us know exactly where we stand on this matter and assist us in the preparation of material for possible discussion of the Treaty by the Standing Committee on External Affairs.

Yours very truly,

T. M. Patterson,
Director

March 1, 1963.

Mr. T. M. Patterson,
Director,
Water Resources Branch,
Department of Northern Affairs
and National Resources,
150 Wellington Street,
OTTAWA, Ontario.

COLUMBIA RIVER TREATY—TRANSMISSION
FILE: DNA-778-1 — CR-200

Dear Mr. Patterson:

In your letter of February 20, 1963, you ask that we clarify the following statement which appeared on page 15 of our 1961 Report on "Factors Affecting the Cost of Columbia River Power in Canada":

"It should be noted that under the design assumptions made in the preparation of the above estimate the downstream benefits received from the United States at Oliver could be transmitted on a firm basis to the load centres over the 345,000 volts system without necessity of the standby transmission in the United States specified in Article X of the Treaty."

The "above estimate" referred to in the quotation is that of approximately \$450,000,000 for transmission lines and substations.

I will attempt to explain the reasoning behind our statement as briefly as possible. In the first place, the Terms of Reference for our 1961 Report required us to review the entire proposals for the Columbia River Development inclusive of transmission and to estimate the cost of delivering power to the Vancouver area. In so doing we were to take account of a number of factors such as the following:

1. The rate of load growth in British Columbia.
2. The inclusion of Cominco's power load and generating facilities in an integrated Canadian system.
3. The sale of surplus hydro power for replacement of steam generated energy.

In complying with these instructions we made the following assumptions:

1. Growth of load in British Columbia at the rate of 8% per annum.
2. 82% of this growth to occur in the Vancouver area.
3. Maximum use of Columbia River energy (including downstream benefits) to supply both primary power to meet load growth and secondary energy to displace fuel consumption at thermal plants.

These three assumptions resulted in a relatively heavy demand for both capacity and energy in the Vancouver area right from the start of the operation of the Treaty: and this fact together with the necessity to provide for integration of Cominco's hydro plants into the system led us to the following sequence of conclusions:

1. 345 kv is the most economical transmission voltage for the Southern system.
2. A capacity of 665 mw should be provided initially for transmission of the Vancouver portion of the downstream benefits derived from the operation of the Arrow Lakes and Duncan Lake storages.

3. Even with compensation it is not feasible to provide this capacity in a single 345 kv line from Chief Joseph to Vancouver.
4. Hence the initial installation we contemplated in our report consisted of two 345 kv circuits from Oliver, and two 138 kv circuits from Chief Joseph to Oliver, and two 138 kv circuits from Vernon to Oliver, plus single 138 kv circuits from Vernon to Kamloops and from Whatshan to West Kootenay.
5. Series capacitors should be added in the 345 kv circuits to provide flexibility in operation.

The two 345 kv circuits between Chief Joseph and Vancouver, with the addition of series capacitors and the provision for sectionalizing at Oliver, would allow any single section of these 345 kv lines to be out of service without reducing transmission capability below 665 mw. In our opinion this could be considered as firm transmission capability for 665 mw, and hence would permit Canada to take advantage of paragraph (3) of Article X of the Treaty at an early date to negotiate the elimination of the annual payment of \$1.50 U.S. per kilowatt for stand-by transmission service in the United States. It was not intended that this opinion should in any way reflect unfavourably on the work of the negotiators in making provision for such stand-by transmission service in the first place.

I am sorry if the wording of our report did not make this point clear.

Yours very truly,

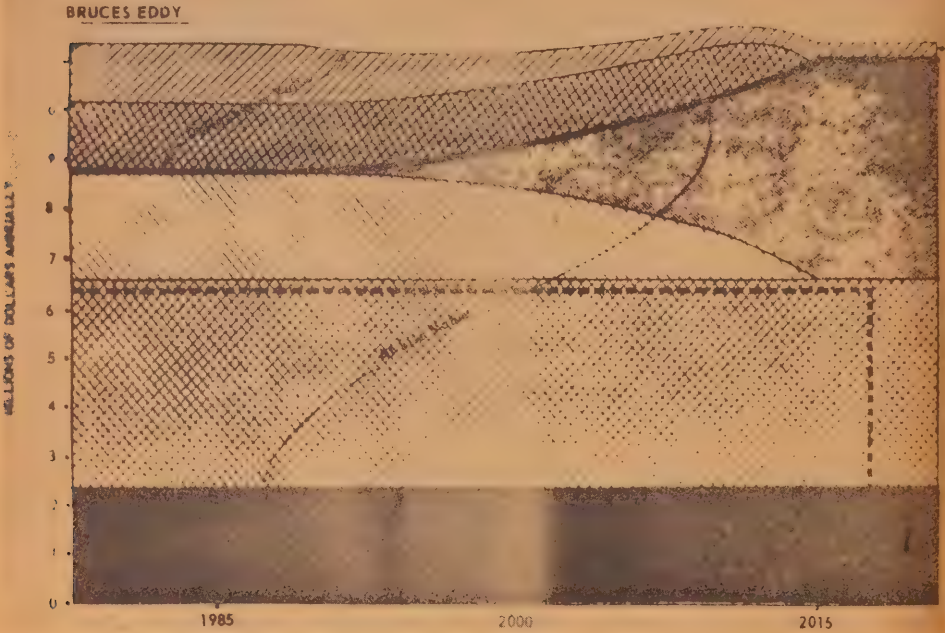
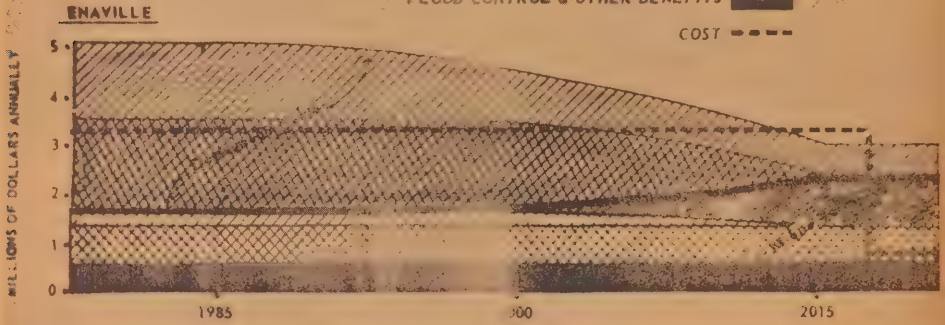
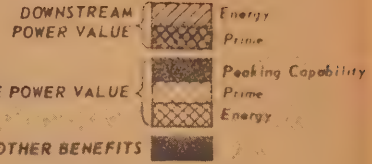
MONTREAL ENGINEERING COMPANY LIMITED
J. K. Sexton, P. Eng.,
Director Civil Engineering.

APPENDIX V

FIG. 12A

STORAGE PROJECT EVALUATION

ILLUSTRATION OF TRENDS IN COMPONENT VALUES,
AS INCLUDED IN JUSTIFICATION RATIOS



Appendix W

MONTREAL ENGINEERING COMPANY, LIMITED

Montreal
Canada

8 May 1964.

Mr. T. M. Patterson, Director,
Water Resources Branch,
Department of Northern Affairs and National
Resources,
Ottawa 4, Ontario.

File: DNA 778-2 CR 200

Dear Mr. Patterson:

We are pleased to provide additional information on some aspects of our Columbia river studies as requested by Mr. G. M. MacNabb, on April 30th.

1. *Cost of power in an Accelerated Alternative Plan*

As pointed out on p. 19 of our report of March 1964, the first stage development of the Dorr-Bull River-Luxor storage provides only partial flood control at Bonners Ferry. According to the ICREB report (p. 100, par. 238) both the Dorr and the Bull River-Luxor projects would be required to control the 1894 flood to the same extent as Libby.

We have examined an accelerated alternative plan which would provide Kootenai flood control by Canada equivalent to Libby. Such a proposal would imply the construction of the Dorr and Bull River-Luxor reservoirs at once, but the water would still go down the Kootenay River and produce power at Bull River and the Cominco plants until Mica generation has been developed. The effect on the cost of power was evaluated on the basis of the following sequence:

1969	Murphy Creek Storage + Units 1 and 2
1970	Dorr-Bull River-Luxor Storage
	Dorr power
1972	Brilliant 4
1973	Mica Creek Storage
	Bull River pump-turbines
1974	Murphy Creek 3
1979-83	Mica Generation 1-10 (See App. IV)
1984	Full Kootenay Diversion, Mica 11 and 12
1985	Luxor power
	Revelstoke 1-4
1986	Revelstoke 5-9
1987	Downie 1-5
1988	Downie 6-10
1989	Murphy Creek 5-8
	Seven Mile

You will note that Luxor at-site power, which appears quite expensive anyway, has been deferred until 1985.

The attached Table I, which is similar to Appendices VI and XI of our report, shows the cost of power calculation. The following points are worth noting:

- (i) The capital costs, operating costs and firm energy outputs are all derived from the data used in the alternative plan of our report.

The 1973 values of capital costs, lifetime operating costs and lifetime energy outputs are based on the sequence of development described above.

- (ii) The lump sum payment for power benefits is based on the following storage commitments for power:

Murphy Creek	2.8 m.a.f.
Mica Creek	5.0 m.a.f.
Dorr-Bull R.-Luxor	4.0 m.a.f.
Total	11.8 m.a.f.

The storage commitment in the alternative plan was 11.7 m.a.f. To give credit to the additional 100,000 ac-ft the lump sum payment in Table I (\$217,960,000) is slightly higher than the one shown in Appendix XI (\$216,408,000).

- (iii) The residual power benefits were assumed to be the same as in Appendix XI (\$14,420,000).
- (iv) The flood control payment for Dorr-Bull River-Luxor storage is based on the following assumptions:
- Main stem flood control. Usable storage as limited by total basin requirement 2.6 million ac.ft. (p. 144, "Columbia River Treaty, Protocol and Related Documents"). Effectiveness factor 90% (same as Libby). Unit value U.S. \$1.38/ac.ft.
 - Local flood control. U.S. \$815,000 annually, (same as Libby).

The average cost of power in the three schemes examined is shown below:

Treaty Program	1.90 mills/kwh
Alternative Program	2.21 " "
Accelerated Alternative Program	2.35 " "

It is evident from these figures that this accelerated alternative plan, in which Canada provides the required degree of flood control on the Kootenay in the United States, would raise the average cost of at-site power by 24%. The higher cost is caused by carrying charges on the structures incurred ahead of the time when the power is required.

2. Cash Balance of Developments in 1973

The Government publication "The Columbia River Treaty, Protocol and Related Documents" quotes a surplus of \$53.4 million in 1973 as of 1 April 1973 (p. 179). The attached Table II shows how approximately the same figure can be obtained from Appendix VI. The table includes comparable values for the alternative plan (based on Appendix XI) and the accelerated alternative plan (based on the attached Table I).

3. The Rating of Murphy Creek in the Alternative Plan

The firm plant rating of Murphy Creek in our report "Comments on the Columbia River Treaty and Protocol" is the same for both the Treaty plan and the alternative plan. This assumption was based on the critical period ratings as found in Appendix VI of the ICREB report:

p. 10 Sequence VII	204.6 MW
p. 13 Sequence IXa	208.7 MW

Actually this is another example of giving the alternative plan the benefit of the doubt, since at least three factors will tend to reduce the Murphy Creek output in the alternative plan:

- (i) Lower average operating head because of the elimination of the High Arrow storage. The East Kootenay storages would provide some compensation in an operating plan for maximum Canadian generation.
- (ii) Increased spill because of less regulation below Mica.
- (iii) Lower operating head because of the need for early drawdown to re-regulate Mica releases. This is a temporary condition until the downstream benefits become secondary, but on a present worth basis the effect on the cost of power is certainly a consideration.

Without computer printouts as used for the Treaty plan the numerical evaluation of the plan outputs in the alternative plan is subject to many uncertainties. From our recent studies we have obtained a preliminary estimate of the Murphy Creek generation under low flows close to critical conditions. The outputs obtained were:

Treaty Plan	1.92 billion kwhrs
Alternative Plan	1.34 " "
Difference	.58 billion kwhrs

The calculations indicate that the Murphy Creek firm output in Alternative plan is about 0.6 billion kwh (70 MW-years) less than in the Treaty Plan, as long as the need for regulation of Mica outflows exists.

If you have any further queries concerning our recent studies or other matters, we shall be glad to be of assistance.

Yours very truly,

J. K. Sexton, P. Eng.
Director Civil Engineering

TABLE I
ESTIMATE OF AVERAGE COST OF POWER TO CANADA RESULTING FROM THE ACCELERATED ALTERNATIVE PLAN

Item	Amount in Canadian Funds	Year	Adjusted to 1973 value using 5% interest rate			
			Receipts	Capital Costs	Lifetime Operating Costs	Lifetime Firm Energy Output KWH $\times 10^9$
	\$		\$	\$	\$	
U.S. Payment for Downstream Power Benefits.....	217,960,000	1964	329,980,000			
Murphy Creek Storage.....	73,332,000	1969	—	89,140,000		
Dorr-Bull R.—Luxor.....	187,133,000	1970	—	216,630,000		
U.S. Payment for flood control.....	47,936,000	1970	55,492,000			
Mica Creek Storage.....	245,200,000	1973	—	245,200,000		
U.S. Payment for flood control.....	56,311,000	1973	56,311,000			
General Studies and Development Costs.....	2,630,000	1973	—	2,630,000		
Operating expenses, Murphy Creek, Dorr-Bull R.—Luxor and Mica Storages.....		1969-2024	—	—	60,336,000	
Administration expenses.....		1973-2024	—	—	3,120,000	
Existing West Kootenay Plants.....		—	—	—	—	
Dorr Power.....		1970	—	—	2,325,000	12.90
Murphy Creek Plant.....		1969-1989	—	29,040,000	15,670,000	23.46
Brilliant 4.....		1972	—	2,520,000	1,520,000	1.35
Bull R. Pump—turbines (generating).....		1973	—	10,500,000	2,289,000	3.06
Mica Creek Plant.....		1979-84	—	98,692,000	47,687,000	113.79
Luxor Plant.....		1985	—	9,059,000	5,177,000	2.92
Revelstoke Canyon Plant.....		1985-86	—	77,351,000	23,910,000	42.89
Downie Creek Plant.....		1987-88	—	74,398,000	25,215,000	47.74
Seven Mile Plant.....		1989	—	25,100,000	7,980,000	19.71
			441,783,000	880,260,000	195,259,000	263.74

Value of Canadian Share of Downstream Power Benefits after Sale Period..... \$ 14,420,000

\$ 456,203,000

Overall Average Cost of Power = (880,260,000 + 195,259,000 - 456,203,000)

263,740,000,000

$\times 1000 = 2.35 \text{ mills/KWH}$

(a) *Treaty Plan* (see Appendix VI)

Receipts		\$501,000,000
Expenditures for Storages (1973 value):		
Duncan Lake	42,500,000	
Arrow Lakes	157,500,000	
Mica Creek	245,200,000	
General expenses	2,630,000	
		<hr/>
		447,830,000
Surplus on 1st April 1973		<hr/>
		53,170,000
		<hr/> <hr/>

(b) *Alternative Plan* (see Appendix XI)

Receipts		414,140,000
Expenditures for storages (1973 value):		
Murphy Creek	89,140,000	
Bull River	107,780,000	
Mica Creek	245,200,000	
General expenses	2,630,000	
		<hr/>
		444,750,000
Deficit on 1st April 1973		<hr/>
		30,610,000
		<hr/> <hr/>

(c) *Accelerated Alternative Plan* (see Table I)

Receipts		441,783,000
Expenditures for storages (1973 value):		
Murphy Creek	89,140,000	
Dorr-Bull R.-Luxor	216,630,000	
Mica Creek	245,200,000	
General expenses	2,630,000	
		<hr/>
		553,600,000
Deficit on 1st April 1973		<hr/>
		\$111,817,000
		<hr/> <hr/>

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 28

THURSDAY, MAY 21, 1964

COLUMBIA RIVER TREATY AND PROTOCOL

WITNESSES:

The Hon. Paul Martin, Secretary of State for External Affairs; Mr. Gordon M. MacNabb, Water Resources Branch, Department of Northern Affairs and National Resources.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Brewin,	Fleming (<i>Okanagan-</i>	Leboe,
Byrne,	<i>Revelstoke</i>),	Macdonald,
Cadieux (<i>Terrebonne</i>),	Forest,	MacEwan,
Cameron (<i>Nanaimo-</i>	Gelber,	Martineau,
<i>Cowichan-The Islands</i>),	Groos,	Nielsen,
Casselman (Mrs.),	Haidasz,	Patterson,
Chatterton,	Herridge,	Pugh,
Davis,	Kindt,	Regan,
Deachman,	Klein,	Ryan,
Dinsdale,	Konantz (Mrs.),	Stewart,
Fairweather,	Langlois,	Turner,
	Laprise,	Willoughby—35.

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 21, 1964

(49)

The Standing Committee on External Affairs met at 10.00 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Casselman, Mrs. Konantz and Messrs. Byrne, Cadieux (Terrebonne), Cameron (Nanaimo-Cowichan-The Islands), Davis, Deachman, Forest, Gelber, Haidasz, Herridge, Kindt, Klein, Macdonald, Matheson, Patterson, Ryan, Turner, Willoughby (19).

In attendance: Mr. G. M. MacNabb, Mr. N. P. Persoage, Water Resources Branch, Department of Northern Affairs and National Resources.

The Chairman reported that correspondence has been received from H. C. Coleman, Deer Park, British Columbia; J. and E. Hill, Winnipeg, Manitoba; and the Hon. E. D. Fulton, Kamloops, British Columbia.

Mr. Macdonald asked the Chairman for information concerning the two witnesses tentatively scheduled to appear on Friday. The Chairman stated that the Clerk had been in touch with Mr. Gleave of the National Farmers Union and ascertained that Mr. Gleave would not appear but would submit a brief on behalf of his Union.

Later the Chairman advised that a telegram had been received during the hearing from Mr. Parker of the International Union of Operating Engineers to the effect that he was unable to appear on Friday. It was therefore agreed that the Secretary of State for External Affairs would be heard this afternoon to close the hearings.

The committee resumed the questioning of Mr. MacNabb.

The Chairman recognized the presence, as spectators, of honour students from the service colleges, Royal Roads, Royal Military College, and Collège Militaire Royal.

The questioning being concluded, the Chairman thanked Mr. MacNabb on behalf of the committee.

At 11.30 a.m. the committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(50)

The Standing Committee on External Affairs reconvened at 3.30 p.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Casselman, Mrs. Konantz and Messrs. Brewin, Byrne, Cadieux (*Terrebonne*), Cameron (*Nanaimo-Cowichan-The Islands*), Davis, Deachman, Fleming (*Okanagan-Revelstoke*), Forest, Gelber, Haidasz, Herridge, Kindt, Macdonald, MacEwan, Matheson, Nesbitt, Patterson, Pugh, Ryan, Turner, Willoughby (23).

In attendance: The Hon. Paul Martin, Secretary of State for External Affairs; Mr. Gordon Robertson, Clerk of the Privy Council; Mr. A. E. Ritchie, Assistant Under-Secretary of State for External Affairs; and Mr. G. M. MacNabb, Water Resources Branch, Department of Northern Affairs and National Resources.

The Chairman stated that he understood that the Committee had agreed to the usual Parliamentary custom that if the Minister testifies this afternoon, he will close the evidence to be given in respect of the Columbia River Treaty and Protocol.

Mr. Martin was called and expressed his appreciation to the committee for the careful consideration they had given to the Columbia River Treaty and Protocol. He also expressed his thanks to government officials engaged in work on this project, and to the other witnesses from outside the public service who had presented their views to the committee.

Mr. Martin then made a statement and was questioned.

During the meeting, the Vice-Chairman took the Chair.

The questioning being concluded, Mr. Fleming (*Okanagan-Revelstoke*) moved, seconded by Mr. Turner, that the committee now adjourn to the call of the Chair, and that the subcommittee on agenda and procedure draw up an agenda, and set the time and date of the next meeting. Carried unanimously.

The Chairman resumed the Chair, and on behalf of the committee, thanked the staff who had assisted the committee during the hearings.

At 5.10 p.m. the committee adjourned to the call of the Chair.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

THURSDAY, May 21, 1964

Mr. BYRNE: I see a quorum Mr. Chairman.

The CHAIRMAN: Mrs. Casselman, gentlemen, I see a quorum.

I beg to report that we have received correspondence from J. and E. Hill, Winnipeg, Manitoba; H. C. Coleman, Deer Park, British Columbia and the Hon. E. D. Fulton, Kamloops, British Columbia.

We have as our witness again this morning Mr. Gordon M. MacNabb and I will recognize Mr. Kindt first to be followed by Mr. Herridge.

Mr. MACDONALD: Mr. Chairman, before we proceed could you give us some indication about the two witnesses whose appearance we were not certain of last night?

The CHAIRMAN: Thank you, Mr. Macdonald. Mr. Gleave, president of the National Farmers Union with whom we communicated both by wire and telephone advises that he will not be here but he is in the course of conveying some kind of a written brief to us.

We have made several attempts to contact Mr. Parker who was unable to be with us earlier at the time assigned. I am advised that we have been in contact personally with Mrs. Parker who has indicated that she would cause her husband to communicate with us last night but up until this moment we have had no reply. We concluded that Mr. Parker had no intention of appearing so I think at this moment we can safely conclude that neither of these witnesses will appear. I think that is a fair assumption.

Mr. BYRNE: I think we can also assume that we have no intention of waiting any longer.

The CHAIRMAN: I have been very anxious to go to every length possible to accommodate witnesses. I know that the clerk has sent repeated telegrams and made several phone calls in this regard but in view of the distance involved it is understandable that a variety of reasons may have prevented these witnesses from appearing.

Mr. MACDONALD: I am sorry to interrupt again, but for the convenience of the Secretary of State for External Affairs can we assume that the conclusions of our questioning of Mr. MacNabb and the Secretary of State will close the committee's hearings?

The CHAIRMAN: I think we must make that assumption, Mr. Macdonald. If anything should happen while Mr. MacNabb is concluding his evidence which will change that situation I will immediately communicate that information to the committee. However, at this moment I think we must assume that the hearings will be concluded at the conclusion of our questioning of Mr. MacNabb and hearing from the Secretary of State for External Affairs probably today.

Mr. MACDONALD: Thank you very much.

Mr. BYRNE: Hear, hear.

Mr. KINDT: Mr. MacNabb the questions I wish to ask you are directed toward clarification and involve your views in respect of the effect of intangible factors upon the people in the areas as a result of approval by the parliament of Canada of this treaty. In your view do you think that the people have been properly informed on each step of the development of this treaty?

Mr. G. M. MacNabb (Department of Northern Affairs and National Resources): Dr. Kindt, since the treaty was signed in 1961 the responsibility for informing the people of the areas which will be affected has been that of the British Columbia Hydro and Power Authority. I cannot tell you in any detail exactly what that body has told the people in the areas, but I can tell you there were hearings of the water rights branch of British Columbia held at Revelstoke, Nakusp, Castlegar and Kaslo, I believe in the fall of 1961, at which time the people in the area were invited to come and express their opinions.

Mr. KINDT: I am trying to find out whether there has been a concerted effort on the part of those individuals concerned with this treaty to inform the people at the times of negotiations, planning and other stages of development, or were the people left in the dark in this regard?

Mr. MACNABB: I would not say that every effort was made during the negotiation stages because we were not at that time aware of exactly what projects would evolve out of the negotiations. We had an idea in this regard but there was no good reason for speaking to the people in the area of a proposed reservoir, for example, alarming and upsetting them, with the knowledge that perhaps that project would be dropped and another substituted. Since the treaty was signed it has been the responsibility of the British Columbia Hydro and Power Authority to inform these people and I am not capable to judge on the degree of thoroughness of their presentation to the public and the people involved.

Mr. HERRIDGE: I should like to ask a supplementary question. Mr. MacNabb, do you know that Mr. Paget the water controller for British Columbia, forbade the witnesses to give evidence at the hearings at Revelstoke, Nakusp, Castlegar and Kaslo dealing with the principles of the treaty or the developments in general and were advised to confine their remarks to the effect of flooding on the people in the areas and their reactions?

Mr. MACNABB: That is correct, Mr. Herridge, and I believe that is the point about which Dr. Kindt is concerned rather than that of the treaty or the mechanics of it. That is the reason the comptroller held the water rights hearings which I believe served very useful purposes at that time.

Mr. KINDT: Perhaps I could move to a slightly different line of questions.

The CHAIRMAN: It might be helpful if members did not ask too many supplementary questions. I can assure all members they will have ample opportunity to pursue any line of questioning, following Mr. Kindt.

Mr. KINDT: I should like to ask another question primarily for my own information which I am sure Mr. MacNabb will find easy to answer. I understand that the government of British Columbia will buy the land and buildings which will be involved in the flooding in the Kootenays; is that right?

Mr. MACNABB: The British Columbia Hydro and Power Authority will do the purchasing in the west Kootenay and Arrow lakes valleys.

Mr. KINDT: Therefore the British Columbia government will indirectly be purchasing this property?

Mr. MACNABB: That is correct.

Mr. KINDT: Has any pattern of action been worked out which can be communicated to the people? Has there been a pattern in this regard and in respect of the relocation projects which will take place and to which the British Columbia government expect the people involved to subscribe? Will this effort involve arbitration and can you tell me what prices will be set for these properties?

Mr. MACNABB: Dr. Kindt, once again you have asked me a question in a field in which I am not capable of answering. When Dr. Keenleyside appeared before this committee he did cite one example of land purchase I believe in the Duncan lake project area. A pattern cannot be set down in this regard and I think it would be unfair to the people in the area to attempt to do so. Each case must be resolved on its individual merits.

Mr. KINDT: I should like to ask one further question along this line. Has the British Columbia government given any guidance to the people in these areas regarding that government's policy in respect of the purchase of property involved?

Mr. MACNABB: To my knowledge the only information which has been given to the people is of the same sort given by Mr. Williston and Dr. Keenleyside to this committee, to the effect that they would meet with each individual affected by the flooding, listen to each case and deal with each case separately and fairly. That is all I can say in this regard. I am not capable of answering on behalf of the British Columbia government.

Mr. KINDT: I understand the policy to be followed in respect of the Kootenay valley will be followed in respect of the High Arrow lakes area?

Mr. MACNABB: When you referred to the Kootenay valley earlier I understood you to mean the west Kootenay valley which is the Arrow lakes valley.

Mr. KINDT: That is correct.

Mr. MACNABB: That is correct, yes.

Mr. KINDT: I should like to know a little more about the relative positions of Canada and the United States and the method you used in arriving at the figures in respect of the cost benefit ratios which you referred to yesterday. Were intangible benefits taken into consideration in arriving at this ratio?

Mr. MACNABB: They have been considered as much as is physically possible. We have set out some of the investigations of problems of dislocation and problems of transportation in the area in the presentation paper. We have also tried to consider the effect on fish and wildlife, but a true intangible is exactly what it indicates and one cannot put a dollar figure on an intangible.

Mr. KINDT: Yes, one can put a dollar figure on an intangible.

Mr. MACNABB: Once you put a dollar figure on an intangible it ceases to be an intangible. The same thing applies to the other side of the ledger regarding the value of the power. We have just put a dollar figure on so many kilowatt hours but did not look at the effects of this low cost power on individuals who will have jobs because of the power, nor the beneficial effects resulting from development of new industry. These figures are what one might call intangibles on the other side of the ledger and one just cannot pin these things down. We have done our best in some cases in this respect. We have left some things out of our consideration such as the effects of the reservoir flooding out the east Kootenay valley required for the maximum diversion proposal. We have received information from the British Columbia fish and game branch which indicates that the annual potential from big game hunting in that valley is in the neighbourhood of \$8 million per year. We cannot state exactly how much of this potential will be lost as a result of flooding the essential winter grazing land in that valley. We have not assessed against the maximum diversion proposal the loss of that very large amount in terms of dollars and in terms of recreation.

Mr. KINDT: Then, Mr. MacNabb, when you talk about a cost benefit ratio, which is the touchstone as to whether we should go ahead or not on this

treaty, those in charge of preparing the treaty did not take into consideration the value of intangible assets? They only took those intangible assets into consideration in a qualitative way, not in a quantitative way?

Mr. MACNABB: In a qualitative way, yes. The engineers would put down as much as physically possible in a tangible form with regard to cost and benefits, and we would point out to the people who would make the decision the number of people displaced, the amount of land flooded and so on. Their decision was based to some extent, I am sure, on these considerations. However, though one can tell them how many people will be displaced, one cannot tell them what it will cost those people in emotional attachment to their homes and things like this. This is a problem which cannot be solved in any concrete way.

Mr. KINDT: Do you feel your end result of cost benefit ratios truly reflects the cost benefit situation in the watershed—

Mr. MACNABB: Yes, I do.

Mr. KINDT: —when you have not taken into consideration intangible benefits—

Mr. MACNABB: I am quite convinced of that; it does.

Mr. KINDT: —or negative benefits?

Mr. MACNABB: I am quite convinced it does because these tangibles are on both sides of the ledger.

Mr. KINDT: What is your cost benefit ratio for the entire watershed?

Mr. MACNABB: Under the treaty?

Mr. KINDT: Yes. I want it down to a dollar basis. How many dollars of benefit are you going to receive for what cost? I want that cost benefit ratio.

Mr. MACNABB: For the treaty proposal or for the complete development of the Columbia basin that that treaty proposal makes possible?

Mr. KINDT: That is right, both the United States and Canada.

Mr. MACNABB: I can give you the cost benefit ratio for the treaty itself without any generation at Mica. This is misleading, but it is about one to one; I believe it is actually 1.2 to one. You add generation at Mica and this immediately puts the cost benefit ratio up.

Mr. KINDT: Leave out Mica. We are talking about the old watershed. You say the cost benefit ratio is one to one?

Mr. MACNABB: I say the cost benefit ratio for Arrow, Duncan and Mica, the three Canadian treaty projects, based solely on the downstream benefits they will obtain or the payment for those downstream benefits as compared to the cost, is 1.1 or 1.2 to one. I want to qualify that and so say that this is charging the treaty proposal with the whole cost of the Mica dam, 20 million acre feet of storage, whereas actually the treaty requires less than that at Mica.

Mr. KINDT: Your explanation and the explanation of many others who have been witnesses is just like trying to pin an eel with a blunt fork; you do not come to the point. The survey was not made properly and you have not arrived at a point where it shows what expenditure is going to be made and what the benefits are for the entire watershed, and you have not then gone from the general to the particular and shown us what the ratio would be in Canada.

Mr. MACNABB: I would suggest, sir, that you would have to go the other way. You would go from the particular, which is the treaty projects.

Mr. KINDT: I do not care which way you go as long as you arrive at the final answer. I am unable to get it.

Mr. MACNABB: I would think of first importance is: are the three projects we are going to build economic solely on the downstream benefits? If they are, any generation you obtain afterwards at Mica only increases that cost benefit

ratio in favour of Canada. The others, Revelstoke, Downie creek and Murphy will come in time and can be assessed in time. You do not have to decide on those now. Those are not coming until after 1982. About 1980 will be the time to assess the cost benefit ratio of those projects.

Mr. KINDT: In arriving at decisions in respect of this treaty you studied it piecemeal and you studied specific projects piecemeal. That is the particular, as you said.

Mr. MACNABB: The treaty projects as a whole?

Mr. KINDT: Yes.

Mr. MACNABB: Correct.

Mr. KINDT: Then you summed those up for Canada and gave that result as your justification for going in or staying out of the treaty?

Mr. MACNABB: As I say, Dr. Kindt, when we enter into this treaty we want to know whether the projects we are committing Canada to build under this treaty—and only those projects—are economic in themselves based solely on the treaty, and if they are, then this shows that Canada is getting a resource developed within Canada economic solely on the basis of the benefits of co-operative development. These benefits can then only be added to by the at site benefits in Canada.

The Montreal Engineering Company have looked at this and have come up with the at site cost of 21 billion kilowatt hours of energy at 1.9 mills per kilowatt hour. If you want to add one to $1\frac{1}{2}$ mills for transmission to get it to the load centre in Vancouver, that is power at $3\frac{1}{2}$ mills per kilowatt hour delivered to load centre. That is very competitive power and, in fact, I do not know where you could get it at the same rate today. Surely this is an indication that the over-all plan, not just the treaty proposal but the over-all plan, is a very economic venture for Canada to enter into.

Mr. KINDT: Have you ever examined—and I suppose you have—the United States army engineers' report on the Columbia?

Mr. MACNABB: Yes.

Mr. KINDT: Taking into consideration the entire watershed?

Mr. MACNABB: That is correct.

Mr. KINDT: Did they come out with a cost-benefit ratio?

Mr. MACNABB: For individual projects and for the over-all "major water plan", that is correct.

Mr. KINDT: What was their ratio?

Mr. MACNABB: About 1.6 to one. This is the "Cost and benefit data for the major water plan projects"; this is a completely independent development on the part of the United States which they would follow if the treaty was not proceeded with.

Mr. HERRIDGE: May I ask a supplementary question?

The CHAIRMAN: Mr. Herridge.

Mr. HERRIDGE: Does Mr. MacNabb know of the United States service rejecting or delaying certain projects at the present time because of the effect on natural resources, communities and so on?

Mr. MACNABB: There has been no delay on Bruce's Eddy; in fact, it is under construction. The Federal Power Commission has issued a licence for High Mountain Sheep. There has been some delay on Knowles, Mr. Herridge. I believe one of the prime reasons for this is that they want to find out whether or not the treaty is going to proceed before they commit themselves on Knowles because the two are rather competitive. The benefit-cost ratio at Knowles, without the treaty, is far better than the benefit-cost ratio of Knowles with the treaty.

Mr. HERRIDGE: But I am referring to other projects.

Mr. MACNABB: I think you will find that nearly every storage project has some complication and some competitive use for the reservoir area. Knowles, perhaps, is one. I would think if the treaty did not proceed, Knowles certainly would proceed; and in fact it may proceed even with the treaty. I cannot forecast what the decision will be in the United States, but I can tell you there are a lot of objections to flooding land until there is a shortage of power, and these objections quickly become secondary in many instances.

Mr. HERRIDGE: But in this case, we are not receiving this power, are we, for 30 years? This power is not being produced because of the shortage of the interior of British Columbia or of British Columbia?

Mr. MACNABB: This power we are producing downstream in the United States, which is being purchased by the United States from Canada, makes it possible for us to produce power in Canada which will serve the future needs of British Columbia. I think it works in exactly the same way, Mr. Herridge.

Mr. HERRIDGE: In future, at some distant time?

Mr. MACNABB: Yes, our best forecasts at this time indicate that we will need power at Mica in about 1975.

The CHAIRMAN: I do not want to take these questions too far away from Mr. Kindt's line of questioning, Mr. Herridge.

Mr. HERRIDGE: Go ahead, Dr. Kindt, you are doing very well indeed.

Mr. KINDT: I do not know whether to accept that as a compliment or—

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Look at it carefully!

Mr. BYRNE: If it is going to be any encouragement to you, I hope you do not.

Mr. KINDT: What is your view of the United States taking on the responsibility for flood control protection forever?

Mr. MACNABB: What is my view of the United States taking the responsibility?

Mr. KINDT: I am sorry, perhaps I did not put my question correctly. I wanted to ask you what was your opinion of Canada taking the responsibility of flood control forever.

Mr. MACNABB: I have no concern at all, Dr. Kindt, because of the limitations and restrictions which are written into the treaty about that commitment. First of all, the United States must use their own storage facilities to protect them from flood damage, and they can only call on any Canadian storage—I am speaking of the period after the first 60 years—assuming that, with the full use of their own storage existing at that time, they cannot control the flood down to 600,000 cubic feet per second at The Dalles.

The possibility of this condition arising is about once in every 20 years. In other words, any other flood could be handled adequately by the United States facilities themselves. So, if future floods follow the pattern of past floods, it is only about once in 20 years that Canada will be called upon at all. When we are called upon for that control, the limitation is set at 600,000 cubic feet per second and any operating expense which Canada incurs is paid by the United States; and "any other economic loss", we incur, which is a very broad statement, for operating that flood control as compared to any other use we would have for the reservoir will be compensated. This includes power or any other loss we can show as an economic loss.

The only other point I should add is that perhaps the argument is made that we should not only be compensated but that we should be paid in perpetuity. I would point out another factor. If the United States were building their own projects now instead of going into the treaty, their projects would be fully

amortized after a number of years and would not be subject to such an open-ended situation as would be the case with such a perpetual payment in the treaty. Secondly, we had a choice of accepting annual payment from the United States during the first 60 years, but rather than doing that we negotiated that they would pay us a lump sum payment, discounted at a $3\frac{7}{8}$ interest rate. That interest rate was a very favourable one to Canada. The \$64 million we get under the treaty is greater than the total value of the payments we would have received if we had accepted the annual payments in perpetuity, with money worth five per cent to Canada. In other words, this \$64 million is worth more to us than annual payments in perpetuity discounted at five per cent interest.

I have no concern at all, Dr. Kindt, about this matter.

Mr. KINDT: What you are saying is that if you had a higher interest rate you would have less money? You discount it at present. That is obvious.

Mr. MACNABB: If we had to use our own interest rates in discounting these payments we would not have received \$64 million. We obtained $3\frac{7}{8}$ per cent, which I do not think we could get again, and certainly not in current conditions.

Mr. KINDT: So you are perfectly satisfied that the flood control obligation taken on by Canada is in the best interests of Canada?

Mr. MACNABB: It is in our best interest because it is part of the co-operative arrangement, and a necessary part. The whole treaty arrangement is in the best interests of Canada, and this was a necessary part of the treaty arrangement. We could hardly expect the United States to pay us for flood control up to the 60-year period and then for Canada to say, "Well, it's up to you now to go and provide your own flood control under any conditions of flood".

Mr. KINDT: In your view, Mr. McNabb, should it not be a part of this treaty to suggest to the United States army engineers that these people who are living on the flood plains should be moved on to higher ground, thereby solving the flood problem forever?

Mr. MACNABB: I do not feel it should, Dr. Kindt. They are taking action to protect these flood plains. They are building levees. They are building their own storages, such as Bruce's Eddy, which is now under construction. I do not think it would be up to Canada to say, "Move out of these flood plains", which in some cases are quite fertile flood plains, I suppose. There has been great talk about Canada's payment for flood control not reflecting the future value of these flood plains, the land which the flood control makes it possible to develop. That is in there. It does not compare with some of the rather large sums which have been quoted here. It is about \$1,200,000 a year. This is what the United States estimated would be the increased value of the land protected by the Canadian or by the United States flood control storage.

Mr. KINDT: Would you mind repeating that figure?

Mr. MACNABB: One million two hundred thousand a year; this is for what they call "land enhancement". I will give you the specific reference. It states:

Increased land use under a 1985 level of development, \$1,200,000 a year.

Mr. KINDT: Increased land use? Is that specifically related to the areas which will be flooded or is it bringing new land into cultivation?

Mr. MACNABB: This is new land.

Mr. KINDT: Under cultivation?

Mr. MACNABB: They do not say to what use it would be put, but this is the estimate. Let me read the paragraph. This is from the report of the Corps of Engineers, volume 2:

It is recognized that there are numerous low areas where it is not now economically feasible to provide protection by levees. However, at some future date, the frequency of high floods will be reduced by storage sufficiently that levees may be constructed around these areas, and they will become productive lands. Land enhancement will be almost the entire benefit within such areas, and since the feasibility of their protection depends primarily on reduction of flood stages by storage, two-thirds of these annual benefits, amounting to \$1,200,000 were credited to such storage.

This was when they were talking about their own projects. They have allowed that same credit to the Canadian projects.

Mr. KINDT: In what report was that?

Mr. MACNABB: This is in the Corps of Engineers report for 1958, volume 2.

Mr. KINDT: I will rest my questions at that point.

Mr. HERRIDGE: Mr. MacNabb, could you explain to the committee your relations—that is, the relations of the water resources branch—with the United States officials, and your procedures in dealing with them?

Mr. MACNABB: You want my individual relations?

Mr. HERRIDGE: No, the relations of the branch.

Mr. MACNABB: The branch deals with the United States agencies in a great number of cases, such as the lake Ontario control, the St. Lawrence, work on the great lakes, etc.

Mr. HERRIDGE: I meant particularly with respect to this treaty. Do you meet them and discuss things, and, if so, where?

Mr. MACNABB: The branch participated in a very large way in the work of the International Columbia River Engineering Board, which was a joint United States-Canadian board. I personally worked with the United States Corps of Engineers and with the Bonneville Power Authority people in developing the sequence studies of the ICREB—sequence IXa, sequence VII and sequence VIII.

Mr. HERRIDGE: Were you with Bonneville at that time?

Mr. MACNABB: I was not, but we went down there to run these studies on the United States computers. We computed the sequence IXa studies. We worked very closely with them in these matters. We have worked quite closely with them in the international work groups. There was one such group set up for the International Joint Commission principles. We worked with the United States Corps of Engineers and with the Bonneville Power Authority at that time, and we carried out the same sort of liaison during the negotiations on the treaty and the protocol.

Mr. HERRIDGE: Would you, for instance, write letters directly to the United States officials on this issue?

Mr. MACNABB: I might write letters to people who are working at my same level, say in the Corps of Engineers or in the Bonneville Power Authority on this item, but certainly not to General Itschner, for example.

Mr. HERRIDGE: You would write to your counterpart in the United States?

Mr. MACNABB: I believe I have done so. Certainly those letters would be very limited. I could not tell you exactly how many letters there were, but there have been one or two.

Mr. HERRIDGE: I am referring to this because it has caused some consternation and I want to say before I quote this that I have never doubted the personal ability of our officials, I have only doubted the funds they have had available and the staffs they have had available to do the job properly.

In Washington on February 29 there was a press despatch—

The CHAIRMAN: Is this a question, Mr. Herridge?

Mr. HERRIDGE: Oh, yes, it is a question, Mr. Chairman.

Upon a matter I raised in the house, Mr. Davis said the government leaked figures on High Arrow. That has never been denied by the Liberal government today. My only reference to that was that it caused a certain amount of doubt as to integrity; we were not concerned that the United States could not look after themselves.

Mr. BYRNE: The statement was not made by the government. The government does not have to deny a statement not made by the government.

Mr. TURNER: Those of us in the back row—those of us who do not live in the Kootenays!—are unable to hear this conversation.

Mr. HERRIDGE:

As for the Ottawa reports that the Canadian negotiators deliberately leaked high figures on one of the dams, a source close to Bennett—

That is Mr. Elmer Bennett, the United States negotiator.

—concluded during early discussions that the Canadians had neither sufficient background nor the engineering experience to provide clearcut figures at the time of the negotiations.

I would like your comment on that, and I might say that Mr. Williston rather confirmed it in his statement when he said the United States knew much more about this question of river development than we knew, and that the computing had been done in the United States.

Mr. MACNABB: I do not like to try to read what is in Mr. Bennett's mind, but I would point out that the figure in question, \$129,500,000, was a figure used in negotiations on the protocol, and Mr. Bennett had nothing whatever to do with the negotiations on the protocol. He was the chief United States negotiator on the treaty, and the last part he played was in early 1961.

Mr. HERRIDGE: You would say his statement is not correct?

Mr. MACNABB: It could not bear any relation at all to the negotiations in 1961 because of the change of government in the United States.

Mr. HERRIDGE: Did it bear any relation to negotiations on the treaty in the first instance?

Mr. MACNABB: I could not agree with what he has said. I would have to see more of what he was talking about than you have quoted, but I certainly cannot agree with what he said there.

Mr. HERRIDGE: Your minister is the hon. Mr. Arthur Laing, is he not?

Mr. MACNABB: That is correct.

Mr. HERRIDGE: Do you brief your minister on the technical aspects of this treaty?

Mr. MACNABB: No, Mr. Herridge, most of my briefing has been to the negotiators themselves—Mr. Martin, Mr. Robertson and Mr. Ritchie.

Mr. HERRIDGE: The minister holds meetings on occasion and discusses this treaty, as he did recently in Revelstoke. Do you not think he should be briefed before he starts to speak?

Mr. MACNABB: Yes, there is a briefing to that extent and the minister has sat in at negotiations with British Columbia and I think, but I am not quite sure, negotiations with the United States on the protocol.

Mr. HERRIDGE: Your minister is quite competent to discuss technical aspects of the treaty?

Mr. GELBER: On a point of order, Mr. Chairman, do you think the witness should be questioned about the technical competence of his minister?

The CHAIRMAN: I think perhaps Mr. Herridge, who is the dean of this committee, knows he will not be able to continue along this line.

Mr. HERRIDGE: I am asking these questions as a result of correspondence I have received.

Mr. PATTERSON: I think you should give a ruling on that.

The CHAIRMAN: I do not have to give a ruling. Mr. Herridge knows—

Mr. DEACHMAN: I think to ask a civil servant to comment on the competence of a minister is far out.

The CHAIRMAN: Mr. Herridge is hastening to agree with you.

Mr. HERRIDGE: This indiscretion was caused by my Liberal friend.

Mr. TURNER: Surely Mr. Herridge is not going to continue to act as agent for undisclosed principals.

Mr. MACDONALD: I do not think he has disclosed any principles!

The CHAIRMAN: Yesterday Mr. Herridge said that trying to get information from this committee was like trying to get out of a barrel of eels.

Mr. TURNER: Mr. Herridge is turning this committee into a "Kootenanny"!

Mr. HERRIDGE: Mr. MacNabb, what are your procedures for negotiating with the representatives of British Columbia or with the British Columbia hydro officials? How do you get together to discuss things?

Mr. MACNABB: We get together as a body. For example, during the negotiations for the protocol both British Columbia water rights and British Columbia hydro were present in a group of technical advisers advising both Canadian and British Columbia negotiators.

Mr. HERRIDGE: Were they present at the time negotiations were being undertaken between the government of Canada and the government of the United States?

Mr. MACNABB: Yes.

Mr. HERRIDGE: They were present at negotiations?

Mr. MACNABB: Yes, they were present at all times.

Mr. HERRIDGE: Do you prepare letters for the signature of the minister or the deputy minister or other officials of the department?

Mr. PATTERSON: Mr. Chairman, I question whether these points that are being raised are appropriate.

The CHAIRMAN: I think Mr. Herridge would agree that the activities of a civil servant for his minister cannot be questioned at any length.

Mr. HERRIDGE: I shall omit the minister, then, and ask the question in regard to the deputy minister. I am on safe ground there, Mr. Chairman, and I will include other officials of the department in my question.

Mr. GELBER: No, I do not think these are questions that should be put to this witness.

The CHAIRMAN: Surely any ministry—

Mr. HERRIDGE: I am talking about other officials, not the minister.

The CHAIRMAN: Surely any ministry must stand or fall on what is done by its public servants who act collectively and cannot individually assume any responsibility. I am not clear as to the direction you are taking in this line of questions, Mr. Herridge. Perhaps you would be good enough to indicate to the Chair just what it is you have in mind in this line of questions.

Mr. HERRIDGE: I am just getting information, Mr. Chairman.

Mr. GELBER: Mr. Herridge wants to know if the witness prepared a letter which someone else signed, and I do not think that is proper.

The CHAIRMAN: Surely Mr. Herridge does not have that in mind.

Mr. HERRIDGE: You do not think we should get Mr. MacNabb to assume the authorship of any of these letters?

The CHAIRMAN: That would be quite improper.

Mr. HERRIDGE: They were very well written!

Mr. BYRNE: I should have thought the dean should have better sense. The fact that he is dean, however, does not necessarily mean he is always wise.

Mr. HERRIDGE: I will leave that line of questions.

I have a question which comes from people who are very close to this matter. Would the witness inform the committee if he considers it possible to reconstruct 50 miles of trans-Canada highway, provide ferry service, pay expropriation costs and the other costs of relocation caused by the flooding of Libby into Canada for \$12½ million? Is that figure accurate?

Mr. MACNABB: I do not believe anything like 50 miles of trans-Canada highway is involved.

Mr. HERRIDGE: I should have said highways.

Mr. BYRNE: Fifty miles of highways?

Mr. HERRIDGE: Yes.

Mr. BYRNE: In Canada?

Mr. HERRIDGE: Yes, highways and roads.

The CHAIRMAN: You have got your beaches mixed up with your roads!

Mr. MACNABB: If my recollection is correct, it is a very limited amount of highway.

Mr. HERRIDGE: Do you know the amount of highway?

Mr. MACNABB: I cannot tell you offhand but I can certainly get it for you and let you know.

Mr. HERRIDGE: I would like to know because this correspondence came from a person who lives in the area. Have you any idea what the mileage is of roads and highways?

Mr. BYRNE: Of actual highways? I am sure there is not more than two or three miles due to Libby.

The CHAIRMAN: You must not be the witness, Mr. Byrne.

Mr. MACNABB: Ten miles at the most, I would say.

Mr. HERRIDGE: What about the roads? Would you say \$12½ million is sufficient to pay for expropriation and relocation of any roads and other facilities concerned?

Mr. MACNABB: Yes, I would, and that includes a crossing of the gas pipeline in the area and any other costs incurred in that area. This is an estimate by consultants, and I am quite convinced of the accuracy of it.

Mr. HERRIDGE: My next question is this: have you any knowledge of the fact that pioneer residents of Revelstoke know of a flood surge in the Columbia at springtime of approximately nine to eleven feet on one occasion? I am referring to the sudden surges we get in the river.

Mr. MACNABB: I would not doubt this, sir. I would, of course, have to qualify what you mean by "a surge". It is not a wall of water that comes down the river, I am sure.

Mr. HERRIDGE: It is a rise of that amount in elevation of the water level in 24 hours; that is what they told me in Revelstoke.

Mr. MACNABB: In the spring?

Mr. HERRIDGE: Yes, in the spring. Can you tell the committee what is the difference between the water level and the floor of the trans-Canada highway bridge?

Mr. MACNABB: I cannot tell you, but these surges about which you are talking do take place in the spring. They occur when the run-off comes from the mountains, and the reservoir at Arrow lake would be drawn down at that time. You would not have a full reservoir at Arrow lakes and you would have exactly the same condition under that bridge as you have now with natural conditions.

Mr. HERRIDGE: Are you aware that ice flows and debris come down later when the high water levels have been reached?

Mr. MACNABB: The high water levels would be reached towards the end of June or in July?

Mr. HERRIDGE: Yes.

Mr. MACNABB: I am told that the only problem that can be envisaged at that bridge site would be the log bundles which would be channelled into a proper passage, and perhaps the debris would be treated in the same way.

Mr. HERRIDGE: You are conscious of the fact that there is very heavy debris coming down the Columbia?

Mr. MACNABB: Yes, but there would be much less with the Mica reservoir built upstream. Much of it would be caught at Mica. It would be only the tributaries below Mica that would contribute debris.

Mr. HERRIDGE: Mr. Williston talked about sweeping the basins when they were low. He was not talking about doing much clearing in the Mica basin except to take out the merchantable timber, and there is a new technique of sweeping out the basins, he said, at low water levels.

Mr. MACNABB: No, I do not believe he would be talking of low water level. When the water level comes up it would pick up a lot of the debris. They would then sweep the reservoir with boats, take out the debris and burn it. This is a sweeping operation; it is not a sweeping operation of the land but rather one of the reservoir surface itself in order to pick up the debris.

Mr. HERRIDGE: You are sure there is no possibility of damage to the trans-Canada highway bridge or the Canadian Pacific Railway bridge?

Mr. MACNABB: All I can say is that this has been looked at quite carefully over a number of years and those involved seem satisfied that both structures are quite safe.

Mr. HERRIDGE: I am asking these questions at the request of people in that area.

I was interested in Dr. Kindt's line of questioning on intangible values and negative values, as he called them. A very excellent brief was presented to the committee, which I think should have been placed in the record, written by Mr. J. D. McDonald, a professional engineer of Rossland, British Columbia, a very well qualified engineer and an official of Consolidated Mining and Smelting Company, a man who has a very close knowledge of this district. He has been very interested in this matter for years. Anything he writes is written from an objective point of view and with conviction. He presented this brief and in it he says:

- A. That the economic potential of the unflooded Arrow lakes valley is capable of producing greater and longer lasting benefits to the Canadian people than the High Arrow project.

- B. That the full economic potential of the unflooded Arrow lakes valley has apparently not been included in the cost benefit calculation of the High Arrow project.

That was the point Mr. Kindt was trying to make. Then he continues:

To illustrate the submission in point A, I would draw the committee's attention to the following two illustrative calculations:

—and I am quoting this in order to base a question upon it:

1. Case of the flooded valley	
Investment by the people of Canada:	
Estimated cost of High Arrow	\$157 million
Estimated compensation to Celgar	55 million
Destruction of 50 miles of beaches	12 million

You see, I have support for my 50 miles of beaches there—

Investment in tourist industry	\$ 10 million
Total investment	234 million

Increase from this investment:

Downstream benefits (1st 30 years) estimate	\$200 million
Downstream benefits (last 30 years) estimate	100 million
Flood control payment	68 million
Tourist income	60 million

Total income in 60 years	\$428 million
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Then he calculates that the cost-benefit ratio equals 428 over 234 which equals 1.8.

Mr. PATTERSON: Mr. Chairman, I wonder if Mr. Herridge is taking this opportunity of putting a brief on the record.

The CHAIRMAN: I am sure Mr. Herridge would not have any such intention. You have not any such intention, have you, Mr. Herridge?

Mr. HERRIDGE: No. I am just following the other side now.

The CHAIRMAN: Is there a question?

Mr. HERRIDGE: Yes, but I must get to my next cost ratio in order to put my question. Mr. McDonald shows that to clear 10,000 acres of arable land will cost \$10 million.

Mr. PATTERSON: This is placing on the record something that was put aside by the committee because it was a brief submitted for consideration only, not for presentation.

Mr. HERRIDGE: I just have three or four lines more and then I can ask my question.

The CHAIRMAN: I must say that the Chair is beginning to become suspicious, but perhaps with only three or four lines more we can come to the question.

Mr. HERRIDGE:

To clear 10,000 acres of arable land	\$10 million
To build access highways	40 million
Investment in tourist industry	20 million
Total expenditure	\$65 million

Income from this investment	
Land (1st 10 years)—5,000 acres	\$ 3.5 million
Land (2nd 10 years)—10,000 acres	7.0 million
Land (3rd 10 years)—15,000 acres	10.5 million
Land (next 30 years)—15,000 acres	315.0 million
Tourist income	120.0 million
Total income in 60 years	<hr/> \$456.0 million

Then he gives the cost benefit ratio: 456 over 65 equals seven to nothing.

Mr. DEACHMAN: On a point of order, I wonder if Mr. Herridge could go a little more slowly because it must be very difficult for the reporter to get all this new evidence into the record.

Mr. HERRIDGE: I am trying to save the committee's time.

The CHAIRMAN: Now you are coming to the question?

Mr. HERRIDGE: I have come to the question. I am asking Mr. MacNabb if consideration has been given to the analysis of the situation along the lines of Mr. McDonald's brief; that is, to these intangibles that he mentions over a long period of years.

Mr. MACNABB: We have given consideration to the land value. We have tried to give consideration to the tourist industry. This is definitely an intangible. I would hesitate to put a value on this, but I note Mr. McDonald does not hesitate to do so.

I would like to go back to some of the figures. I found it very difficult to take them down as you were speaking about them. However, the cost of Arrow lakes dam was, according to Mr. McDonald, \$157 million?

Mr. HERRIDGE: Yes.

Mr. DAVIS: For clarification, did Mr. Herridge say the cost to benefit ratio of this proposal, according to Mr. McDonald, was seven to one?

Mr. HERRIDGE: No, seven to nothing.

Mr. BYRNE: One to 1.8.

Mr. DAVIS: Seven to nothing?

Mr. GELBER: That would be zero.

Mr. DAVIS: Anyway, he means the costs are seven times the benefits. Does he mean the costs are seven times the benefits?

Mr. MACNABB: A cost to benefit ratio of seven to zero does not make too much sense.

Mr. DAVIS: It does not make any sense at all.

Mr. GELBER: No, it is seven times a vacuum.

The CHAIRMAN: It is seven times nothing.

Mr. MACNABB: It is seven times nothing. If we go back to these costs, the estimated cost of High Arrow is put at \$157 million. That is not correct.

Mr. HERRIDGE: Did you note the increased cost of supplying water in Celgar?

Mr. MACNABB: That has been included; they envisage supplying fresh water to those areas.

Mr. HERRIDGE: They are going to supply fresh water to all these communities?

Mr. MACNABB: You have heard the testimony of Dr. Keenleyside and Mr. Williston.

Mr. HERRIDGE: But I am asking questions now as a result of correspondence I have received from people in these communities who are very concerned with this matter.

Mr. MACNABB: I have seen news clippings that they have ordered or put out tenders for pumps to supply water to areas in that locality.

Mr. HERRIDGE: To these villages?

Mr. MACNABB: I cannot give particulars of the villages.

Estimated compensation to Celgar is put at \$55 million by Mr. McDonald. I cannot agree with that. The cost estimate of \$129.5 million for Arrow lakes includes a lock in the dam to pass these log bundles through the dam and get them to Celgar.

Mr. HERRIDGE: Do you know the actual construction cost of the High Arrow dam?

Mr. MACDONALD: I have told you, sir, that the actual construction cost of the High Arrow dam, including the cost of the reservoir, is \$129,500,000. That is the present estimate.

Mr. HERRIDGE: You do not know the cost of construction less flowage cost?

Mr. MACNABB: That is a figure which is the property of the British Columbia Hydro and Power Authority and I do not feel it should be divulged.

Mr. HERRIDGE: We have a witness here today and we would like to put him forward on that subject.

Mr. MACNABB: Then there is a figure for the destruction of 50 miles of beach, which is put at \$12 million. That is an intangible and I would hesitate to put a figure on it. With regard to investments in the tourist industry given at \$10 million, I would say that also is something upon which I would hesitate to put a dollar figure at this time. I cannot agree with the "increase from this investment" either. I believe he means benefits from the investment. He arrives at a cost benefit ratio of 1.8 to 1. Certainly the cost benefit ratio in respect of High Arrow is about 1.8 to 1 but it is not arrived at by calculations which bear any resemblance to what this suggests here.

In respect of the unflooded valley he has a cost of clearing 10,000 acres of arable land, \$10 million; and the cost of highways, \$40 million; investment in the tourist industry, \$20 million. Other than in regard to the cost of clearing I cannot hazard a guess in respect of any of these things. The cost of clearing I would say would be within the range of perhaps \$10 million to \$15 million. However, the income from cleared land must be spread out over 30 years while the point is that it is necessary to incur the cost at the present time. I have seen the appearance of suggestions, in some other briefs that it would cost so much to clear 50,000 acres of land, or something like that. This is a cost incurred now, but then they add up the annual benefits of the cleared land year by year for 50 years in an arithmetically. This is not a proper comparison at all. The benefits received in respect of that land 60 years hence have to be discounted so it can be expressed in dollar values in relation to the cost paid out at this time to clear that land. That is the only comment I can make in this regard. A cost ratio benefit of 7 to zero does not make too much sense, I am afraid.

Mr. HERRIDGE: That is your opinion?

Mr. MACNABB: The comparison has to be made to one because the cost is unity and benefit is something you must compare to unity.

Mr. HERRIDGE: I think I understand your point.

Mr. MACDONALD: You suggest that this is a mathematical absurdity?

Mr. BYRNE: The steering committee was wise not to have this entered into the minutes.

The CHAIRMAN: Gentlemen, please do not divert Mr. Herridge.

Mr. TURNER: Mr. Chairman, I wonder whether Mr. Herridge accepts the responsibility for all the statements contained in this brief he is introducing?

Mr. HERRIDGE: I have introduced the brief because it was sent to this committee by a very well known gentleman who has consulted others in the drafting of this brief. I am sure anyone who is familiar with Mr. McDonald will realize that he is a very well informed and competent person in respect of ranching and other like things in the area.

Mr. BYRNE: The evidence does not bear out that fact.

The CHAIRMAN: Mr. Herridge, will you continue your questioning?

Mr. HERRIDGE: Mr. Macdonald is inclined to divert us at times.

Mr. MacNabb, has consideration been given at any time to diking the banks of the Columbia river near Revelstoke to protect the Big Eddy district?

Mr. MACNABB: Yes I think a consideration has been given in that regard, Mr. Herridge. If I am not mistaken consideration is still being given to this idea. A problem arises, however because the soil under the Big Eddy subdivision is quite permeable. This fact was discovered during preliminary investigations I believe by comparing the levels of the wells in the area with the level of the river.

Mr. HERRIDGE: Yes.

Mr. MACNABB: If there is no gradient between the level in the wells and the level of the river this indicates that the soil is very permeable. The problem would involve building a dike and continually pumping water out of that area. This problem involves economics and I cannot tell you what the final decision will be on that matter.

Mr. HERRIDGE: In any event consideration has been given to this situation?

Mr. MACNABB: Consideration has been given to the situation and as far as I know consideration is still being given to the problem.

Mr. HERRIDGE: Mr. MacNabb I should like to ask you whether consideration has been given in consultation with your department and the Department of Public Works in respect of the new wharf facilities required between Castlegar and Revelstoke if the High Arrow dam is built? There will be unusually long wharves and very different from the wharves in place at the present time. Has there been any estimate made in respect of the cost of these new wharves?

Mr. MACNABB: I am sure the estimate of the cost in the amount of \$125 million for the Arrow lakes project includes that cost.

Speaking from my personal knowledge, I must go back to the estimates we made for the international Columbia river engineering board, and in that regard we certainly did look into the cost of these wharves. Some of them as you realize, Mr. Herridge, which are there have not been used for a considerable number of years since the ferry was discontinued on the lakes.

Mr. HERRIDGE: Would you name the wharves that have not been used?

Mr. MACNABB: I will have to go back to the estimate to do that but there were a considerable number of them marked as being abandoned.

Mr. HERRIDGE: That is not the fact of the matter.

Mr. MACNABB: Those used for government ferry service have been abandoned since that service was discontinued.

Mr. HERRIDGE: Someone has misinformed you because they have been abandoned for use by stern wheelers but are still being used by ferries, tugs and over 100 boats which come up from the United States every summer as well as local craft.

Mr. MACNABB: Mr. Herridge, I am sure that landing areas for tourist boats will certainly be provided in the reservoir area, but whether or not wharves big enough to land stern wheelers which no longer exist will be replaced, I do not know, but I doubt that very much.

Mr. HERRIDGE: There are a lot of tugs at the present time using these wharves.

Mr. MACNABB: I am sure that the operation of the Celgar Corporation will be fully protected.

Mr. HERRIDGE: Will wharves be built for this purpose wherever they are required?

Mr. MACNABB: As I say, the whole operation of the Celgar Corporation will be fully protected by the British Columbia Hydro and Power Authority, and will have to be protected.

Mr. HERRIDGE: Did you say that there has been an estimate made in this regard by the Department of Public Works?

Mr. MACNABB: What I said was that when we were preparing an estimate for the use of the international Columbia river engineering board report we considered these wharves to see which would have to be replaced and which were classified as being abandoned, and part of the cost of the Arrow lakes dam project is related to the provision of new wharf facilities along the lake.

Mr. HERRIDGE: Of course there would be a number of wharves abandoned if the High Arrow project is constructed because there would be no communities to serve. However there are none abandoned at the present time to my knowledge. They are all being used at the present time.

Mr. MACNABB: I can only say to you Mr. Herridge, that there will not be a reconstruction of the same wharves to serve tugs and pleasure craft as would serve ferry boats which formerly plied the lakes.

Mr. HERRIDGE: There have to be wharves provided to service large tugs moving heavy machinery and things of that sort.

Mr. MACNABB: Consideration will have to be given to the type of service required.

Mr. HERRIDGE: Are you aware that the Department of Public Works built a wharf at Galena bay one or two years ago which cost in the neighbourhood of \$65,000 and that when the Department of Public Works was considering the type of wharf necessary it came to the conclusion that exactly the same type should be built as has been built on the Arrow lakes for the past 50 years.

Mr. MACNABB: I understand that Galena bay is still being served by the existing ferry system; is that right?

Mr. HERRIDGE: Yes.

Mr. MACNABB: The government would construct a wharf to meet ferry system requirements.

Mr. HERRIDGE: The ferry itself is not any larger than and perhaps not as large as some of the barges which are in service. These barges are very long and must come alongside the wharves.

Mr. MACNABB: That situation may exist, Mr. Herridge.

Mr. HERRIDGE: Has there been any consultation between your department and the Department of Transport in respect of the effect upon navigation resulting from high and low water levels which will occur after construction of this project?

Mr. MACNABB: Are you referring to the effect a dam will have upon navigation?

Mr. HERRIDGE: No, I am referring to the effect upon navigation throughout the course of this system between High Arrow and Revelstoke.

Mr. MACNABB: I think navigation will be improved, Mr. Herridge.

Mr. HERRIDGE: It may well be improved during high water levels.

Mr. MACNABB: It will be improved during high water levels certainly and the low level of the Arrow lakes under control will be 1,370 feet. I believe the minimum level under natural conditions is two feet lower than that, so we are not making the conditions any worse than they presently exist.

Mr. HERRIDGE: Can you make some comment in respect of this situation with the knowledge of the bars which exist between High Arrow and Revelstoke?

Mr. MACNABB: I think the conditions will improve navigation up to Revelstoke because the reservoir will be full.

Mr. HERRIDGE: It will be full at certain periods of the year.

Mr. MACNABB: The reservoir will be full or nearly full in the spring, summer and early fall months.

Mr. HERRIDGE: Of course when there is a low water condition the existing bars will present a problem and during high water levels there will be current conditions causing the formation of bars to change almost yearly.

Mr. MACNABB: That is correct.

Mr. HERRIDGE: Conditions cannot be expected to be the same after construction of the project as they are when the high and low water levels are normal.

Mr. MACNABB: There would be some difference but the high water would still be coming down that section of the river. I think reservoir draw downs will still form bars in the river but I cannot envisage any problems greater after the construction of the reservoir than they are at this time, and I am sure the situation will continue to be looked after.

Mr. HERRIDGE: Will the Department of Public Works maintain and continue to protect low water navigation?

Mr. MACNABB: I should not like to speak for the Department of Public Works in this regard.

Mr. HERRIDGE: Has there not been consultation in this regard?

Mr. MACNABB: If the Department of Public Works is carrying out this function now I do not know why it would discontinue this after construction of the project.

Mr. HERRIDGE: I will have to seek that information from the minister.

Has consideration been given to the effect a draw down will have on the booming of logs? There are millions of feet of logs stored in various bays and an unexpected draw down of five feet could ground several million feet of logs.

Mr. MACNABB: This question was raised when Mr. Fulton appeared before this committee.

Mr. HERRIDGE: Yes.

Mr. MACNABB: It was pointed out at that time that there would not be sudden draw downs and these reservoirs would not be operated in that manner. A draw down for power is quite gradual and can be forecast well in advance. A draw down for flood control in the Columbia river basin would also be relatively gradual because floods in the Columbia basin occur as a result of snow melt rather than heavy rain storms. I cannot envisage a problem which would cause a sudden draw down of five feet in the reservoir. I am sure there will be ample warning of any draw down.

Mr. HERRIDGE: You are confident that every operator in the area will be notified in time to move these booms?

Mr. MACNABB: I am sure that anyone in the area dependent upon water levels will be kept up to date on the operating procedures to be followed.

Mr. HERRIDGE: Will individuals who incur extra expenses as a result of moving these booms be compensated?

Mr. MACNABB: I cannot answer your question in detail, but in the flowage estimates made by the British Columbia Hydro and Power Authority consideration was given to cost estimates in respect of the lock, and perhaps they also made a cost estimate in respect of new booming grounds. I cannot give you that extent of detail at this time.

Mr. HERRIDGE: Do you know whether provision has been made or an estimated cost prepared in respect of new log dumping facilities required and access roads to these log dumps?

Mr. MACNABB: Once again, Mr. Herridge, the officials of the Celgar Corporation have met with officials of the British Columbia Hydro and Power Authority. As far as I know they have resolved their principal difficulties, and I assume what you have referred to would be one of those difficulties.

Mr. HERRIDGE: Is the Celgar Corporation perfectly satisfied that all their requirements will be met?

Mr. MACNABB: I cannot state that the Celgar Corporation is perfectly satisfied but officials have met with the British Columbia Hydro and I can only assume that they have considered all these requirements in the area.

Mr. HERRIDGE: Do you know whether any of the saw mill operators have met with the same officials?

Mr. MACNABB: I cannot answer that question Mr. Herridge.

Mr. HERRIDGE: I have one final question to ask Mr. MacNabb.

I hear some applause from the Social Credit member behind me, Reverend Patterson.

Mr. PATTERSON: I am listening with interest.

The CHAIRMAN: That hon. member has actually been admiring your series of questions. I have been watching the expressions on his face and they would seem to indicate that he feels your questions have been good questions.

Mr. HERRIDGE: I have been asked to ask these questions, Mr. Chairman.

Mr. MacNabb, have you ever provided Liberal members of this committee with questions to ask witnesses who are opposed to the Columbia river treaty?

Mr. TURNER: I object to that question, Mr. Chairman.

The CHAIRMAN: Mr. Turner, will you state your objection, please?

Mr. TURNER: I will put my objection in this way. Obviously there have been communications between certain members of the committee and certain advisers just as there has been communication between certain other members of the committee and General McNaughton. I do not think that this is a relevant question that the witness should be required to answer.

Mr. HERRIDGE: I perhaps should put the question in a different way. Have you provided Mr. Brewin, Mr. Cameron and the member for Kootenay West with questions to ask witnesses?

Mr. MACNABB: No, Mr. Herridge, I have not provided questions to those members.

Mr. PATTERSON: I think that question is out of order.

The CHAIRMAN: Have these gentlemen asked you for questions?

Mr. MACNABB: Mr. Chairman, these members have not asked me for questions.

Mr. Herridge, the information you asked for in respect of highway relocation in the Libby reservoir area is as follows: there are 13 miles of highway and 9 miles of secondary road involved.

Mr. HERRIDGE: There are 22 miles of road involved?

Mr. MACNABB: Yes, 13 miles of which is highway.

Mr. HERRIDGE: Thank you very much for providing that information.

The CHAIRMAN: Does that conclude your questioning, Mr. Herridge?

Mr. HERRIDGE: Yes, Mr. Chairman. I do not wish to disturb Mr. Byrne.

Mr. BYRNE: I have no questions, Mr. Chairman. I am quite happy that all of this information has been received.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I should like to ask Mr. MacNabb one further question as a result of an answer he gave to an earlier question I asked.

The CHAIRMAN: Would you speak a little louder, Mr. Cameron, so that everyone can hear at the back of the room?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I should like to ask Mr. MacNabb a question as a result of an answer he gave to one of my earlier questions yesterday afternoon. Did I understand you to say Mr. MacNabb that you had been engaged in the preparation of design and development of the Columbia river treaty project?

Mr. MACNABB: I was engaged, as one of my earlier responsibilities in the branch, in the preparation of preliminary layouts for projects in the Columbia river basin at places such as Mica and in the east Kootenays.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): These would be very preliminary layouts rather than being in the nature of design of structures?

Mr. MACNABB: They were not detailed, no. The water resources branch went into the area, mapped the area in detail and then tried a great number of designs in an attempt to decide which was the most efficient type to fit into the area. Of course these were preliminary designs as are all the designs given in the report of the international Columbia river engineering board.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Were these designs and studies made available to the British Columbia Power and Hydro Authority?

Mr. MACNABB: Those official designs appear in the report of the international Columbia river engineering board and the province of British Columbia participated in the work of that board. I may say that a great deal of satisfaction has been derived by the branch from the knowledge that the selection of the actual sites now chosen, after the final engineering studies have been completed, are very close to the ones selected by the branch in their earlier studies.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Thank you.

Mr. RYAN: What is the present situation in respect of the working drawings of the dams?

Mr. MACNABB: My understanding Mr. Ryan is that they are now in a position where they can ask for tenders immediately in respect of the Arrow lakes and Duncan projects. In other words the final engineering design is complete and I believe they will soon be in the same position in respect of Mica dam.

Mr. RYAN: Thank you.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I think we established yesterday that in the later stages at least you became the chief technical adviser to the government of Canada and the negotiating committee. Who was your opposite number on the United States side?

Mr. MACNABB: At my level, Mr. Cameron, there were a number of people including a representative from the Bonneville Power Administration and a representative from the corps of engineers.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Do you agree then that during the later stages you became the chief technical adviser?

Mr. MACNABB: That is correct in respect of the engineering level.

Mr. HERRIDGE: I should like to ask one final question in view of the fact that a number of visitors have come to my office and have gone to see Mr. Patterson and Mr. McLeod about the Columbia treaty. Are most of these visitors seeking information in respect of the Columbia river treaty referred directly to you for information?

Mr. MACNABB: I would have to know exactly which visitors you are referring to Mr. Herridge in order to answer your question. I certainly have met some people. I met Mr. Deane, for example, when he came to visit us. I cannot say that everyone who has come seeking information in respect of the Columbia river treaty has been referred to me. For example, much of the time I have not been in Ottawa, and that would explain why I have perhaps not seen some visitors.

The CHAIRMAN: Have members concluded all the questions they wish to ask?

Mr. HERRIDGE: Mr. Chairman, if no one has any further questions to ask I should like to thank this witness for the answers he has given to my questions. I want to emphasize the fact that while I am very hostile toward the treaty, of which everyone is aware, and represent a great number of people who are also hostile toward the treaty, I do appreciate this witness for his courtesy in giving the answers he has given to my questions. I realize that it is his duty to give effective information in respect of government policy.

The CHAIRMAN: Gentlemen, if you will permit me I should like to recognize the fact that we have guests from the Royal Military College listening to our proceedings at this moment. These gentlemen are: C. P. Ambachtsheer, T. K. Baxter, R. A. Burns, J. P. R. Gaudreau, H. A. Gordon, R. J. Jamieson, M. J. O. J. Jette, W. C. Leach, D. Z. Bruce, J. J. P. Y. Gagnon, N. C. Hilliard, P. K. Houlston, J. S. H. Kempling, C. W. T. Maroney, J. T. M. Matte, D. R. Murrell, M. J. P. A. Pellerin, F. R. Sutherland, A. J. Goode and R. K. MacKinnon.

These gentlemen are accompanied by two professors, Mr. Lamontagne and Mr. Dick and by Captain J. Annand. These individuals are honor students representing our various service colleges, Royal Roads, the Royal Military College and Collège Militaire Royal. I am sure we are all pleased that they are here and I hope they will not leave this room without shaking hands with a very distinguished Canadian who is present. Perhaps that gentleman would step out with these students for a moment or two. I refer of course to A. G. L. McNaughton who has been a principal witness during a series of committee meetings.

Some hon. MEMBERS: Hear, hear.

The CHAIRMAN: I beg to report that since our proceedings commenced this morning I received a very gracious telegram from Mr. C. H. Parker thanking us for our interest in his possible representations but advising that he is unable to attend on Friday May 22. In the light of these circumstances I should like to ask the members of this committee to reconvene at 3.30 this afternoon to hear the hon. Secretary of State for External Affairs.

We shall now adjourn until 3.30.

AFTERNOON SITTING

THURSDAY, May 21, 1964.

The CHAIRMAN: Mrs. Casselman and gentlemen, I see a quorum.

I understand that members of the committee agree to the usual parliamentary custom, that the Secretary of State for External Affairs will close the evidence this afternoon to be given in respect of the Columbia river treaty, which is the matter before this committee. I think that is the understanding. If that is so, I will call upon the Secretary of State for External Affairs at this time.

It has just been brought to my attention this is our 50th hearing and this, I think, is something in the way of a parliamentary record.

Would you come forward, Mr. Martin, and bring with you anyone you care to have at the table.

Hon. Paul MARTIN (*Secretary of State for External Affairs*): Mr. Chairman, first of all, I should like to say before making this submission how grateful I am sure the members of the House of Commons will be for the industrious and careful way in which the members of this committee have applied themselves to the difficult and complicated and, I hope, interesting task which was assigned to them by the house.

Also, I should like, as the minister responsible, to add my own personal words of appreciation. I would like to take this occasion of thanking the officials in the office of the privy council, in the departments of external affairs, northern affairs, justice and other departments who have been engaged for a long time in the prosecution of this very important matter which has engaged the attention of the government of Canada in one way or another now for a period of almost 20 years.

You have had before you in the person of Mr. Gordon MacNabb and others, I am sure, public servants who have greatly impressed you with their technical skill.

Some hon. MEMBERS: Hear, hear.

Mr. MARTIN (*Essex East*): I should like also to say to most of the other witnesses, those who were not altogether agreed on the position that we have taken, that we appreciate the time which most of them gave to this important matter.

On March 3, I moved, in the House of Commons, that the Columbia river treaty and protocol be referred to this committee so that the evidence on it could be heard and a recommendation could be made to the house on whether it should express itself in favour of these arrangements. On that occasion I pointed out that:

The treaty was negotiated and signed by a previous government of Canada, and the previous government of the United States. The protocol and the covering exchange of notes were negotiated and signed by the present government of Canada and the present government of the United States. These documents represent the best efforts of successive governments in both countries and reflect the wishes of the province—

That is, the province of British Columbia, the owner of the resource:
—where the Columbia river is located.

On March 3 at page 467 in *Hansard* I concluded what I had to say by observing I had no doubt, so far as I was concerned and so far as the government was concerned, as to the views we had reached concerning the treaty and the protocol, which modifies the treaty. I added:

We have before this house a treaty that should, and will, commend itself to the members of this house, as I am sure it will to the great majority of the people of our country. The plans that have been prepared are good plans. The engineering is nearly finished.

This was an important prelude to the effort. Then, I added:

The money to be paid by the United States will be raised in the coming weeks. It is for us to decide whether the fruit of years of effort is to be gathered for the benefit of the people of Canada now and in the years to come. I have no doubt, on the basis of the record, what the verdict of this parliament will be.

Now, as I said at the beginning, your committee has worked assiduously in receiving evidence from a wide area concerning the treaty and protocol and concerning their advantages and disadvantages. I take it we now are at the point where a decision must be taken on whether, in the light of all the evidence, this committee is prepared to recommend that the treaty and protocol be ratified and implemented.

We in the government have, I think, set forth our views in our presentation of the provisions of the treaty and of the ancillary documents which you require for your judgment. Indeed, Mr. Chairman, I doubt whether there has been any other matter that has come before a parliamentary committee with a greater body of explanatory material and supporting evidence. Members, I think, have all had ample opportunity to examine the documents contained in the substantial white paper and the presentation set forth in the blue book of some 172 pages.

To deal with points of comparison as between the treaty and alternative sequences of development that have been proposed, the government has provided the committee with the report of the Montreal Engineering Company dated March, 1964 and Mr. Sexton of that company has been questioned for several hours for clarification and further detail. Spokesmen for half a dozen—often sharply competitive engineering firms which have carried out the bulk of the hydroelectric development in our country in recent years have testified in support of the treaty plan, most of them on the basis of first hand investigation. Several individual experts, including preeminent authorities on soil mechanics, have testified on the stability and safety of the dams and on other specific features of interest to the committee.

I have, personally, tried to express as clearly as I could the advantages that I think the treaty holds for Canada. I have not attended all meetings of the committee, of which I am not a member, but I have attended a good many, the exceptions being largely those that took place when I was engaged on ministerial duties in Canada and outside. But, I have had an opportunity of following closely the verbatim record.

Mr. Gordon MacNabb has given, I think you will agree, a brilliant exposition of the technical details of the treaty—

Some HON. MEMBERS: Hear, hear.

Mr. MARTIN (*Essex East*): —and has, I think, replied to questions with a clarity and precision that must have impressed the members of the committee as to his competence and as to his grasp of these complex arrangements. I noted with satisfaction the words of commendation of Mr. Herridge this morning when Mr. MacNabb finished his testimony.

Some HON. MEMBERS: Hear, hear.

Mr. MARTIN (*Essex East*): His presentation must have given the committee some idea of the high quality of technical advice available to the government during the negotiations.

The government of British Columbia and the British Columbia Hydro and Power Authority have set forth the position fully, from the provincial point of view, and have dealt with details of power requirements and developments as they will take place under the treaty.

My predecessor in charge of the negotiations with the United States, Mr. Fulton, gave as I read it, a very complete presentation of the manner of negotiation of the treaty, the reasons for some of its provisions, and the character of the arrangements that were aimed at, and the steps preceding signature.

I do not think it is necessary, nor would it be particularly helpful to the committee, with all of this exposition and evidence, to try to set forth again the detailed arguments that I think support beyond any possibility of doubt the views I expressed concerning the treaty in the House of Commons on March 3, supplemented by my own observations before this committee as the first witness.

In addition to the presentations explaining and recommending the treaty and protocol, the committee has, of course, heard a number of presentations that were critical of it. It seems to me, Mr. Chairman, that there may be some advantage if I try to deal, very briefly, with what seemed to me to be the nature and substance of the principal criticisms that have been made.

The main critic of the treaty and protocol, of course, has been an old friend, General McNaughton. The general is an old friend and colleague, and I would like to say again, in my judgment, he is a man who has played a large part in the public affairs of Canada over many years.

The CHAIRMAN: Hear, hear.

Mr. MARTIN (*Essex East*): And, it has been of the greatest importance that this committee should hear him at length and consider with care the views he has had to express.

Some hon. MEMBERS: Hear, hear.

Mr. MARTIN (*Essex East*): As you know from the correspondence which I tabled earlier, I had a number of discussions with General McNaughton before negotiations on the protocol began. I have the greatest respect for General McNaughton and it is essential that his views should be given due weight, especially when they involve matters within his knowledge. This I have done personally and this, I am sure, the committee has done. He has indicated he strongly disagrees with some of my views. I am sure he will understand if I must differ with him.

While many of General McNaughton's criticisms have dealt with many points, it seems to me the essential one is his judgment that Canada should not have agreed to the option that is given to the United States to construct a storage at Libby, Montana, but should, instead, have insisted on the construction of storages in the east Kootenay. That this is the central point of the general's criticism was made clear by him, personally, when on April 22 he said:

The fundamental difference between the treaty plan and the Canada plan—and I am looking at it in the long term view—is that in the treaty plan permission has been given to build the Libby dam.

These words of the general will be found in your proceedings of April 21 at page 534.

Now, there is no need to reiterate to the committee the fact that the government of British Columbia decided, for reasons it thought adequate, that it was not prepared to have the flooding of 86,600 acres in the east Kootenay valley that would have been involved for the storages at Dorr and Bull-river-Luxor. There has been a suggestion that notwithstanding that view, the government of Canada should have exercised its powers under the

British North America Act to move in and construct the storages by itself or compel the provincial government to do so. I cannot believe that that view has been seriously argued or with conviction. I could not myself agree that such an invasion of provincial jurisdiction could be even contemplated unless one could show, beyond any shadow of doubt, that the provincial position would be profoundly disadvantageous to this country. In the present instance this simply was not the case.

What are the relative merits of the arguments for the treaty arrangement as against the east Kootenay storages, sequence IXa or the McNaughton plan as it has been referred to? The Montreal Engineering Company was asked to examine this point specifically, and its conclusions are set forth at pages 17 to 18 of the company's report. The company put the storages in the most economical sequence it could devise, in order to be sure that sequence IXa was assessed on the most favourable possible basis. The result shows that there would be somewhat more power, admittedly, from that sequence, 22.97 billions of kilowatt hours per year, as compared with 21.12 billions under the treaty plan, a difference of 8.8 per cent. This marginal 9 per cent of power would cost Canada 5.75 mills at site and would be secured from storages that would cost so much more than the treaty projects that the overall average cost of all the power, not just the marginal amount of power, would be 16 per cent greater than under the treaty.

The difference is between treaty power at 1.9 mills and "Sequence IXa" power at 2.21 mills. As the report points out, the extra amount of power—1.85 billions of kilowatt hours per year—could be produced from thermal generation to add to the treaty power and there would still be a saving of \$3,000,000 per year over Sequence IXa.

That is the evidence of an independent authority altogether apart from the conclusion of the government experts.

As I have mentioned, the assessment by the Montreal Engineering Company put Sequence IXa in the most economic way that was possible. This involved deferring the east Kootenay storages somewhat. General McNaughton later indicated that, in his view, the storages in the east Kootenay should be built at the outset to avoid any doubt as to the possibility of diversion to the Columbia being made. Earlier construction of the storage involves heavy carrying charges before generation is installed on the Columbia in Canada and this adds to cost. Subsequent calculations indicate that on that basis, power under Sequence IXa would be 24% more costly than under the treaty. The saving in having the treaty plus thermal generation over that arrangement becomes \$4,000,000 per year.

General McNaughton made it clear in his presentation on May 15 that he does not accept these conclusions. If he does not, it would have been helpful if he could have indicated, with precise figures, where he thinks the report is in error. The general has given no such indication and, in the absence of any alternative figures or any specific comment on them, it seems to me they must stand as being an authoritative assessment of the merits of the two plans.

Let us suppose, however, that General McNaughton's argument is sound as to the long term position, and that there would, in the distant future, be advantage in having the storages in the east Kootenay. The supposition has certainly not been established, but let us assume it. If that proves to be the case, the treaty is so devised that the storages can be constructed here. This is the whole purpose underlined in Article XIII (2)1(5) of the treaty. Under those sections a clear and precise right to divert from the Kootenay to the Columbia is established, going ultimately to the extent of 90% of the water of the Kootenay river. There is no question whatever about the legal position. It is as clearly established as any legal right can be, and I am sure Mr. Brewin fully agrees with this.

Mr. BREWIN: I agree that your assurance is very firm.

Mr. MARTIN (*Essex-East*): I am glad I have gathered that much agreement.

General McNaughton's argument in relation to this is not to contest the legal right. His argument is that, by the time the rights become operative, they would not be effective in fact because of vested interests established in the United States. What is the merit of this argument?

Mr. Fulton made it clear in his presentation that he does accept the argument, and I must say that I completely agree with him. The argument of the critics seems to be that the existence of Libby dam which would be built under precise treaty provisions and with precise advance notice of Canadian diversion rights, would render those rights inoperative. The argument surely holds no water. The periods for diversion to the Columbia were set with great care to enable the United States to amortize the costs of Libby while it still would be sure of having adequate water available. Mr. Fulton made this clear. Surely no one can argue that a structure built with clear notice of possible diversions and fully amortized as to cost could in any way obstruct the exercise of clearly stated legal rights under the treaty. General Itschener himself made it clear in evidence before the United States senate that the United States had carefully considered what the position of Libby would be if the diversions took place.

To sum up the whole argument about the east Kootenay storages it is apparent that they do *not* have any immediate or certain advantage for Canada. The flooding in the east Kootenay would be on a much larger scale than under the treaty. The extra amount of power is produced at such a cost that we can get it more cheaply in other ways. The future possibilities, if they are ever attractive, are protected and preserved.

While the preference for east Kootenay storages has been the General's main criticism, there have been ancillary ones.

General McNaughton has made it clear that he does not like the Arrow dam. I can indeed understand—and I said this in my own presentation—that one can regret the injury to aesthetic values or to the intangible elements that this or any other storage may involve, although I hope that wise planning and sensible management will keep such injury to a minimum and even produce improvements in some respects. In any case, the fact is—and this has been made clear by repeated presentations—that the Arrow dam was a feature of the Canadian proposals from the outset. It has also been made clear that its benefit cost ratio is the highest of all the projects and that it is essential to enable the great storage at Mica to be operated freely for the production of power in Canada while still producing downstream benefits in the United States. This becomes possible because the water released at Mica at the times that will suit our own generating requirements can be "re-regulated" at the Arrow storage. The Montreal Engineering report went into the most adverse possible conditions and has this to say, and I would remind you of what they point out at pages 29 to 30, and I quote.

"In the course of these operations, the only time when American optimum requirements could not be met would occur in (the equivalent of) November 1944. During this month of deficit, it would be necessary to "borrow" water from the Libby reservoir to maintain the desired flow in the main stem of the Columbia river. The losses in capacity and energy benefits resulting from this early drawdown of Libby would be less than one-quarter of one percent, and hence beyond the accuracy of the underlying computations. Such losses would, moreover, be shared with the United States since they would be less than would be caused by permissible reductions in Canadian storage volumes.

The charts on appendix XIV illustrate the similar use which would be made of Arrow lakes storage capacity to re-regulate the Mica creek

discharges to meet the Canadian loads of 1990-91 in a repetition of critical streamflow years. In this case, the losses in capacity and energy benefits are again less than one-quarter of one per cent.

To conclude, the results of the analyses of storage operations illustrated in appendices XIII and XIV are particularly reassuring since they are based on assumptions that are probably more severe than would normally be expected."

(Montreal Engineering Co. Report—pages 29-30)

Now it seems to me that that statement which has not been challenged is a very important one in the context of the problem which lies before you.

There has been no evidence that re-regulation could be adequately achieved without High Arrow. Mr. Higgins had something to say on the point, but he did not back his arguments up with figures nor were they based on any studies. He himself admitted this. In the circumstances, I think the need for, and the value of, the High Arrow dam must be taken as established.

Another of General McNaughton's arguments has been that the storage at Libby produces no advantages that can be relied on by Canada and is a gift to the United States. The Montreal Engineering Report has gone into this in detail. At page 22 of the report it shows that we can count on firm power in Canada from Libby to the extent of 208,000 average kilowatt years of firm energy, equal to 1.8 billion kilowatt hours of energy. This would be extremely cheap power, costing 1.9 mills per kilowatt hour. Evidence by the president and senior technical officers of the Consolidated Mining and Smelting Company has strongly supported this conclusion and has made clear the enormous value of this increase in power to the industrial complex and to expanded and dependable employment in the Trail area, as I myself had it demonstrated to me when I visited this plant last summer.

A third subsidiary criticism by General McNaughton has been that Canada gets too little return for flood control under the treaty. The general's argument does not, as I understand it, relate to the "primary" flood control during the treaty period which has been provided for precisely in accordance with flood control principles No. 3 and 4 as developed by the International Joint Commission. The burden of his criticism has related to the flood control commitment under article IV (3) after the treaty period. I must confess, Mr. Chairman, that earlier I would have comprehended this criticism. It is perfectly clear that the Canadian storages will have been paid for by that time, and it is perfectly clear that Canada is to receive full compensation for any and all loss it might incur. The government did think that the treaty, as drafted, left the possibility of calls for flood control that might not be justified. This point has now been definitely covered in paragraph 1 of the protocol. With that limitation, and with the deterrent effect on the United States of having to pay full compensation, I do not, for one moment, believe that there will be any frivolous or unwarranted calls upon us for flood control. It is surely the minimum that can reasonably be expected between good neighbours as I have said in the house that we would be prepared to operate our dams, in case of need, to provide a protection to the lives and properties of the people of the United States when doing it will cost us absolutely nothing and when they have put themselves in our hands for this protection. Where is the burden on Canada? Where is the onerous servitude? There clearly is none.

The only other argument produced by General McNaughton that perhaps I ought to refer to, is the one which he introduced as the "most important part" of his presentation on May 15. As originally presented the general's figures suggested that Canada will get much less than 50% of the downstream benefits. These figures were later recognized by the general to have been wrong.

Even as later corrected the figures used are open to serious criticism as Mr. MacNabb has demonstrated. The true position is as stated in Mr. Luce's articles to which the general referred. Mr. Luce makes it perfectly clear that Canada gets precisely what the treaty provides for—50% of the downstream benefits. His figure came to 1.4 million kilowatts of capacity. The figure at page 99 of the government's presentation is 1.385 million. It is quite apparent that the figures are the same and in complete agreement.

I do not propose, Mr. Chairman, to go at greater length into other details of General McNaughton's criticisms. Many of them have been dealt with already by Mr. MacNabb, Mr. Sexton, Dr. Keenleyside and others. I am indeed grateful to General McNaughton, not only for the constructive help that I am told he gave when the treaty was under negotiation, but also for the points that he brought to my attention and that of this committee. It has helped to ensure that we have looked at every point and considered every aspect before final action is taken. It is my hope that General McNaughton will, as this great project unfolds, come to agree with the opinion of all the others who worked on it and who have studied it so intensely as the negotiations proceeded—that it is in fact an arrangement of outstanding advantage to Canada.

I have dealt at some length with General McNaughton's views because, when one examines most of the other submissions that have been made to the committee, I think it is clear that most of them are based on and reflect the General's views and are open to at least the same criticisms and in some cases to additional ones besides. These critics included: The Columbia for Canada committee, the International Union of Mine and Mill and Smelter Workers, the United Electrical, Radio and Machine Workers of America, the Communist Party of Canada, Mr. Bartholomew and Mr. Higgins.

We have, in all these submissions, the same point as had been argued by General McNaughton—the point that it would be better for Canada to construct storages in the east Kootenay valley than to permit the United States to build the storage at Libby.

In other respects the critics are by no means at one. It is hard to imagine any scheme which could satisfy them all. Some were dead against the Arrow project, while at least one admitted the possibility of it having a place later on (Higgins, page 901). One group was strongly against a Fraser diversion (United Fishermen, page 972) while another critic supported a Fraser diversion (Bartholomew page 862). Some seemed to favour a treaty if it fully met their wishes while others seemed to prefer to go it alone (e.g. United Electrical, page 924).

The British Columbia Federation of Labour was very careful and responsible in their presentation. They recalled their previous support for the so-called McNaughton plan and this time concentrated on certain general objectives which I think are secured in large measure by the existing treaty and protocol.

It is, I think, notable that in no single case did any of the critical submissions demonstrate any error in the calculations produced in the Government's presentation or in the analysis of the Montreal Engineering Company, and this is surely a tribute to the technical skills of both groups. It is also notable that none of them was able to demonstrate what the cost of power would be from the so-called Sequence IXa development.

Not only has none of the critics established a cost for power from General McNaughton's sequence but, to the extent they claimed any knowledge of international law, none of them has, to my mind, shown that there is any deficiency in the legal rights that we have retained under the treaty for future diversions. I think it is correct to say that all can see, either specifically or by implication, that the legal rights to divert and to establish the east Kootenay storages do exist in article XIII. The critics rest their argument really on one single point—their opinion that we will not be able to use our undoubted rights even if we want to. As I have already said, I do not, and cannot, accept

that argument. The treaty is there. Its language is clear and from it it seems to me clear that there is only one conclusion properly to be drawn.

Apart from the various developments of General McNaughton's criticisms in the briefs to which I have referred, there were two submissions that developed other points.

The submission by Mr. R. Deane whom I met when I was in British Columbia last summer is essentially a submission in opposition to the construction of the Arrow dam. I want to say at once that I fully understand the motive of Mr. Deane in this criticism. Mr. Deane made it clear that he is not opposed to the Libby storage, nor does he support General McNaughton's argument in favour of the East Kootenay storages. The first point is made clear at page 7 of his submission, where Mr. Deane says:

Libby has both advantages and disadvantages for Canada and I do not feel qualified, due to lack of intimate knowledge of the East Kootenay area, to do more than list the most obvious factors. (Brief prepared by Mr. R. Deane—page 7)

The fact that Mr. Deane does not endorse General McNaughton's advocacy of East Kootenay storages is made clear on page 8 where he says:

This shows the so-called McNaughton plan which eliminates High Arrow and Libby. The main disadvantage of this plan is the extensive flooding of valley land in the East Kootenay which has been vetoed by Premier Bennett. The advantages claimed are an eventual extra 400,000 KW for Canada plus lower over-all power costs. Not knowing the East Kootenay intimately, I am not in a position to discuss the merits and drawbacks of this plan except to endorse the elimination of High Arrow.

As I said in comments at the outset of the committee's consideration of the treaty, I can indeed understand the views of those who regret the raising of the water level along the shores of the Arrow lakes. I was interested in the question which Mr. Herridge put today to the Minister of Public Works which showed that he too had a deep understanding of this point. Our experience with the seaway and with other great developments indicates that while changes occur, aesthetic values may be changed rather than eliminated. The Arrow lakes will be at high level during virtually all of the summer season. They will, I understand, at no time be drawn down below the normal low-water level of a state of nature. In any event it is clear that there must be some flooding of certain areas, if the great economic values of the Columbia river development are to be secured. The Arrow lakes storage is what makes it possible to have both the at-site power and downstream benefits. The value will undoubtedly far exceed any loss that is occasioned even when all the intangibles are allowed for, and all of those whose properties are involved will be fully compensated and we have had assurance of this from Mr. Keenleyside. The other major brief in opposition to aspects of the Columbia river treaty is, of course, that of the government of Saskatchewan. Basically, it rests on three propositions: that the prairies, and especially Saskatchewan, may have need for water from the Columbia river; that it may be economic to remove it from the Columbia across the Rocky mountains to the prairies; and that, if the treaty is ratified, it will not be possible to secure the water for prairie use. I have examined the Saskatchewan brief with considerable care, because one cannot be unaware of the importance of water to the great prairie regions of our country, and I have seen other submissions of Mr. Cass-Beggs and some of his colleagues and I have heard and read the assessment made of these by those technically qualified to comment.

After having studied the brief, I must say that in my view none of the three points is established.

With regard to the need for water from the Columbia, the brief itself admits, at page 47, that alternative sources of water other than the Columbia certainly exist. It is also made clear, at pages 49 to 50, that certain of these other alternatives might reasonably be expected to be drawn on in advance of any attempt to secure needed water from the Columbia. As the brief says, "only the most general conclusions can be drawn safely from the investigations made to date", and at no point is there any demonstration that it is even likely that water from the Columbia will be required, in the foreseeable future.

We will all remember that the evidence of Mr. MacNabb in the charts which he submitted showed the sources of water for the prairies and the cost and prohibitive circumstances attending the use of the final source, the Columbia river. In such circumstances, I find it very hard to accept the proposition that the definite and clear advantages of the Treaty arrangement for British Columbia and the rest of Canada should be sacrificed—and let there be no mistake about it, they would have to be sacrificed—if we were to insert specific reservations that would go as far as Saskatchewan wants to go to provide for highly problematical and remote requirements. I should simply like to add that the argument made by Saskatchewan did not take into account the fact that the owner of the resource is the province of British Columbia.

Apart from the very doubtful need for water from the Columbia, the figures with regard to the economics of such a diversion are open to very serious question. The economic calculations are set forth in table 7 at pages 78 to 79 of the Saskatchewan submission.

While, of course, one cannot be definitive about a possibility such as this theoretical diversion, even a cursory examination indicates that the possibility of there being an excess of revenue over cost from power generation alone is one that cannot be entertained. The compensation to British Columbia is apparently for the loss only of power developed in that province, and it is at 1.5 mills per kilowatt hour. The price is obviously far too low: It would be at least 2.5 mills and possibly 3 mills to be at all reasonable, and there is no alternative for the loss to British Columbia of its share of downstream benefits in the United States. The interest rate used in the calculations is an unrealistic $3\frac{1}{2}$ per cent. Cost calculations in the government's presentation are based on 5 per cent interest. To adjust to that interest rate alone would add \$3.9 million to the costs—and that amount alone would wipe out any theoretical balance of economic advantage. This is the evidence before the committee and it has not been controverted. Finally, nothing whatever appears to be included for the costs of developing power on the east side of the Rockies, although substantial revenues from the power are included. It is perfectly clear that an analysis of the Saskatchewan figures demonstrates that there would be a heavy deficit in the power aspect of the operation. It seems impossible to believe that the uses of water for irrigation and other purposes would be sufficiently advantageous to offset such a loss when there are many other sources from which water could be secured at lower costs.

Finally, even if one were to accept the need for water from the Columbia, and the economic advantage of securing it, one can object to the treaty only if one accepts the proposition that it does not make ample provision for diversions for consumptive purposes. I cannot accept the argument. I made it quite clear in my presentation when the committee began its work, and also in correspondence with the province of Saskatchewan, that the treaty, as strengthened by the protocol, does make ample provision for diversion for consumptive purposes. Mr. Fulton in his presentation was in complete agreement, and made the point very strongly. I agree entirely with what Mr. Fulton said about his mystification at the way in which statements are made concerning the treaty, despite the clear wording of the treaty to the contrary.

The Saskatchewan brief refers, on page 6, to a "specific prohibition of the use of the diverted water for power generation". There is no such specific prohibition. All the treaty says is that diversion for power purposes is not a consumptive use. At no place does it say that water diverted for a genuine consumptive use cannot be used also for power production. At page 12, the brief says that "the diversion permitted by Article XIII (1) must not involve a use for hydroelectric power generation." The treaty says no such thing. At page 14 it is stated that "there are grounds for serious doubts that Article XIII was ever intended to permit a diversion out of the Columbia river basin for any purpose whatever." There is nothing whatever in the terms of the treaty to support that proposition. I would again like to make this observation, that what is overlooked in the argument, which I believe is fallacious, is the fact that the province of British Columbia is the owner of the resource and has defined rights under the law and the distribution of powers under the British North America Act. This fact is completely ignored in this discussion. The fact that such a provision was not in the progress report of September 28, 1960, is significant of nothing except the fact that the Canadian negotiators did exactly what one might expect: they examined the proposed arrangements after their preliminary or progress report was prepared, found other things that had to be covered or covered in a different way, in the treaty. It is the treaty that is the governing document, and I submit there is no doubt whatever from the clear language of the treaty that diversion out of the basin for consumptive purposes is adequately provided for regardless of the consequence of that diversion.

I have, Mr. Chairman, gone through the essential criticisms of the treaty and protocol with a good deal of care. Since it is essential that we all should decide whether any points have been made that are of sufficient importance to lead to the conclusion that the treaty ought not to be ratified. To my mind, there is no doubt whatever but that no such point has been established. I have found no argument that alters the conviction that I expressed in the House of Commons that the treaty and protocol constitute an arrangement that is eminently to the advantage of Canada. I have found no evidence that any alternative scheme would provide a better development. I have found no contention whatever that the Columbia could be successfully developed by Canada alone, except at a great economic cost and with limitations that have already been discussed.

To my mind, the several weeks of presentation and argument before this committee have been of advantage for one reason above all others, and that is for confirming the conviction that the treaty should be ratified and the protocol should be brought into effect.

In Mr. Fulton's presentation he made it clear that at every stage in the negotiations he weighted the arguments to determine the advantage that they provided for Canada. He said:

I felt it my responsibility at every stage to weigh the various proposals that emerged from our negotiation sessions on the basis of two fundamental questions: First, does the arrangement suggested represent net advantage to Canada? And second, does it represent advantage we could not achieve without this arrangement? Only if, in the considered view of the negotiators and our advisers, an answer to both questions was a positive yes, was I prepared to accept in principle the arrangement we had arrived at, and to proceed on that basis to the next stage in the negotiating sessions. It was also on the basis of this approach that I made my reports and recommendations to the policy liaison committee. It was on the basis of positive and affirmative answers to both these questions that I made my final recommendation to the government of Canada of which I was then a member.

For my part I could repeat, in respect of my responsibilities in connection with this negotiation on behalf of the present government, that this was the procedure that I followed. The heavy technical problems involved here were the basis of consideration by experts, and only after I was satisfied as to their favourable assessment was I prepared to make recommendations to my colleagues, as I did, that the deal we were able to get, the arrangement we were able to effect for Canada, were fair and equitable, I would go so far as to say that it was a very good arrangement and it is a very good arrangement for Canada.

What I have quoted constitutes Mr. Fulton's judgment during his outstanding work in negotiation of the treaty. The results of his negotiation were reviewed by the present government, and as I have said before, it was felt at certain points they could be improved upon. I think, in the protocol, we did make distinct improvements. Mr. Fulton was naturally somewhat restrained in his favourable comments on the protocol, but agreed that in present circumstances the sale of down-stream benefits on the basis proposed under the protocol makes sense. While, as on many other things, the critics were not unanimous in their view of the protocol, Mr. Deane was particularly explicit about the improvements achieved (pages 1078-9).

The total result now is an arrangement that, in my view, will redound throughout the years enormously to the advantage of Canada and its citizens. In my presentation of April 7, I outlined what I thought the main advantages were. No part of that statement has been refuted or altered by anything that has been presented in this committee and I think I can do no better than repeat the advantages, as I saw them then, and see them now:

"Firstly, the equivalent by 1973 of \$501 million in payment from the United States, which will add same \$319 million United States dollars to our exchange resources at an early date and which in total will more than cover in advance the costs of building the treaty storages. This was one of the standards which, on behalf of the government of Canada, I laid down at an early stage in our talks with British Columbia and later with the negotiators for the United States.

"Secondly, as a consequence, it will be possible to produce, in addition to the so-called "downstream benefits" a massive amount of low-cost power as much as 20 billion kilowatt hours of energy per year at about 2 mills per kilowatt, for use by Canada in whatever way may seem best at the time.

"Thirdly, in addition to the payments from the United States for downstream 'benefits during the first 30 years, to which I have already referred, there will be further downstream benefits subsequently which will continue to have a potential value for British Columbia of \$5 million to \$10 million per year; moreover, additional payments of up to \$8 million may be made by the United States for extra flood control as well as special flood control compensation which may be called for in certain circumstances.

"Fourthly, the Libby reservoir in the United States will make possible annual additional generation of more than 200,000 kilowatt years of low-cost energy in Canada which can be used in the continued industrial development of the Kootenays. The Duncan reservoir will add a further 50,000 kilowatt years per annum to this amount.

"Fifthly, the installations in Canada and in the United States will help to prevent floods in settled areas on the Kootenay and Columbia rivers in Canada...

"Sixthly, even during the construction period, the treaty projects will provide a substantial amount of additional employment... This will be seen

in the immediate employment advantage of a peak labour force of about 3,000 men and an average of some 1,350 men who will be employed at the dams alone during the nine years of construction.

Certainly the expenditures by this labour force will create many more jobs. The purchase of earth moving equipment, machinery, cement and other supplies from outside the project area will give important stimulus to production and employment in many parts of Canada. Following completion of the treaty projects there will be continuing construction and spending programs lasting for another ten to fifteen years arising through the machining of the Mica dam and the construction of inevitable hydro projects downstream from the Mica dam.

"Finally, this project will change a high cost power area, which British Columbia has been, into one with an abundance of cheap power. Such power will improve the competitive position of that part of Canada compared with the neighbouring parts of the United States where power has always been cheap. It will thereby create many new permanent jobs and strengthen and diversify the economy."

Now, Mr. Chairman, all of this will be done without impairing by one iota our sovereignty or independence or control over our own resources. If anyone is becoming dependent on anyone else, as I said in my initial presentation, it is the United States which is accepting reliance on Canada. The fact of the matter is that the arrangements which have been worked out will serve the interests of both of us and will bring about developments along this great river on which we can both rely.

I would like to say again that this committee has done an outstanding job in examining with unusual minute detail the arrangements under the treaty and protocol. I hope the weeks of discussions may now have led, even those who had doubts at the beginning, to the conclusion that the proposed arrangements are eminently satisfactory. I would like to hope that the recommendations of this committee in favour of ratification might be unanimous. To my mind, there is no question whatever but that we have before us an arrangement that will be of unique benefit to British Columbia and to all of Canada in the immediate future, and in the years that lie ahead.

This has been a long difficult study and negotiation. Two Canadian governments have been involved in the study and in the negotiation, and now a parliamentary committee. Those of us who have had the responsibility have not approached our task without an appreciation of the interest of this country and I very firmly believe this project is one that represents a most satisfactory arrangement for Canada. It will be a project that will be the stimulus for much activity not only in British Columbia but, indirectly, to other parts of Canada. It is a project which represents the way two neighbours should be able to get along in respect of a problem of mutual concern and interest. I have, without any reserve and in full conscience, the responsibility of recommending to you that you should, in turn, recommend to parliament that the government of Canada should ratify this treaty as is proposed, by October 1 next.

The CHAIRMAN: Thank you, Mr. Martin.

Some hon. MEMBERS: Hear, hear.

The CHAIRMAN: Now, I recognize Mr. Brewin.

Mr. BREWIN: Mr. Chairman, I do not propose to examine the Secretary of State for External Affairs at any length because I think his presentation is in the nature of an argument and I am afraid any discussion might develop into an argument. But, I wanted to ask about one thing.

Did I hear you rightly, sir? I thought you used the expression that something was vetoed by Premier Bennett. I think you have notes there which you could check.

Mr. MARTIN (*Essex East*): Well, yes, I quoted the word "vetoed". The actual words I cited were these. Mr. Deane said:

This shows the so-called McNaughton plan which eliminates High Arrow and Libby. The main disadvantage of this plan is the extensive flooding of valley land in the east Kootenay which has been vetoed by Premier Bennett.

The words he used were "vetoed by Premier Bennett". I suppose another way to say it would be that it was opposed by Premier Bennett. However, I do not see anything sinister in that word.

Mr. BREWIN: I just wanted to get the expression correctly.

Mr. MARTIN (*Essex East*): These were Mr. Deane's words, but I would not hesitate to use the same word as I do not see anything wrong with the word "vetoed".

Mr. BREWIN: That is all, thank you.

Mr. MARTIN (*Essex East*): You have vetoed a couple of ideas of mine on several occasions.

Mr. HERRIDGE: But he does not have the influence with you which Mr. Bennett has.

Mr. MARTIN (*Essex East*): Did you say that Mr. Bennett had influence with me?

Mr. BREWIN: I have finished. Thank you.

Mr. HERRIDGE: Mr. Martin, on April 22, 1963 the Right Hon. L. B. Pearson, then the leader of the official opposition, wrote to Mr. Donald Waterfield, who was chairman of the Arrow lakes water resources committee, Nakusp, B.C., which was organized—

Mr. MARTIN (*Essex East*): If I may interrupt, what was that name?

Mr. HERRIDGE: Mr. Donald Waterfield, a very estimable Conservative.

Mr. MARTIN (*Essex East*): I am sure.

Mr. HERRIDGE: And, this committee was composed of members of unions, farmers, institutes and chambers of commerce from Trail to Revelstoke. The Prime Minister wrote:

Dear Mr. Waterfield:

Your letter of April 12 has just arrived and I would like to assure you that I agree with you that it is imperative to re-negotiate the Columbia treaty.

May I also assure you that all B.C. interests particularly those of the water resources committee of Nakusp chamber of commerce, will be consulted by a new Liberal government before a final decision is reached.

(Sgd) L. B. Pearson.

I have two questions.

Mr. MARTIN (*Essex East*): What date was that?

Mr. HERRIDGE: April 22, 1963.

Mr. MARTIN (*Essex East*): That was the day of a happy event; that was the day when Mr. Pearson was sworn in as Prime Minister of Canada.

Some hon. MEMBERS: Hear, hear.

Mr. HERRIDGE: My question is this. Would you contend that the Liberal government has re-negotiated the Columbia river treaty?

Mr. MARTIN (*Essex East*): Within the context of what Mr. Pearson, the leader of the party, said, yes.

Mr. HERRIDGE: You believe the treaty has been re-negotiated?

Mr. MARTIN (*Essex East*): Within the context of what Mr. Pearson said we would do, namely, that we would take it and try to improve on it by obtaining from the United States agreement on measures that would be embodied in the protocol, certainly.

Mr. HERRIDGE: Then, why would certain United States senators say that re-negotiation would require submission to the United States Senate? Does this treaty and protocol require submission to the United States Senate?

Mr. MARTIN (*Essex East*): This part does not, but if there was to be re-negotiation de novo of the treaty, under the constitutional practice of the United States the matter would have to go back to the Senate. Mr. Pearson made clear his appreciation of this constitutional arrangement, and he made this clear in his public discussions. Also, he covered this in conversations he had with President Kennedy at Hyannis Port, and this is embodied in the communique which marked that meeting.

Mr. HERRIDGE: Then you say the treaty has been re-negotiated?

Mr. MARTIN (*Essex East*): Within the context of what Mr. Pearson said, yes. Mr. Pearson never said he was going to seek a re-examination by the United States Senate of the treaty; he said the treaty is there and what we are going to do is try to improve it by getting an agreement with the United States on features we believe will improve the treaty but which will not require going back to the United States Senate. That is what he said and that is what we have done.

Mr. HERRIDGE: And this is what would be required if the treaty had been re-negotiated in the accepted sense of the word?

Mr. MARTIN (*Essex East*): Yes, but I say to you, since you introduced it, if we had taken that course, which would have avoided a lot of delay, I am sure we never would have the opportunity of making an arrangement with the United States.

Mr. HERRIDGE: My next question is this. Do you consider that the Prime Minister has kept his promise to the water resources committee of the Nakusp chamber of commerce, that they would be consulted by a new Liberal government before a final decision is reached.

Mr. MARTIN (*Essex East*): Unhesitatingly, my answer, of course, is I do.

Mr. HERRIDGE: Was not the decision reached when the governments signed the protocol?

Mr. MARTIN (*Essex East*): The government's decision was but this treaty will not be ratified until parliament, after you gentlemen have made your study, will have given the necessary approval.

Mr. HERRIDGE: But, Mr. Martin, you informed the committee the government had reached a decision.

Mr. MARTIN (*Essex East*): The government has. I told you when I first made my presentation here the government's policy was declared; otherwise, we would not have engaged in an exchange of notes with the United States, as we did on January 22 last. The government's decision is one thing but the government also said that as a responsible government before it would proceed to ratification it would seek the approval of this act by parliament.

Mr. HERRIDGE: A sentence of the Prime Minister's letter reads: "...will be consulted by a new Liberal government before a final decision is reached". Not a decision by parliament but by the government.

Mr. MARTIN (*Essex East*): Well, Mr. Herridge, I know you are a master of semantics, and you are giving a good example of that now.

Mr. HERRIDGE: So are you, Mr. Martin.

Mr. MARTIN (*Essex East*): I do not think so. I think it is quite obvious. You will remember asking me—and I must say this critically—persistently in the house during the stage of the negotiations what procedure would be followed by the government in the event of a successful conclusion of the negotiations, and I repeatedly told you that the government, after the negotiations had been completed, if it thought that the arrangement offered was satisfactory, would enter into an arrangement as a government with the government of the United States, and that once having taken that decision, then the government before ratifying the treaty would go to parliament for its approval before proceeding with ratification. Now, Mr. Herridge, that is what you and I repeatedly discussed across the floor of the house. And, the practice followed is the practice which a government must follow under our parliamentary system.

Mr. HERRIDGE: But—

Mr. MARTIN (*Essex East*): Mr. Herridge, if I may interrupt you, we indicated clearly that the making of a treaty with another power is an executive act; there was no obligation at all on the part of the government to go to parliament prior to ratification. But, under our parliamentary practice, not law, before a government ratifies it generally goes to parliament, and that is the procedure we are following. But, as I say, there was no obligation to do so. We did make a commitment that we would live up to this parliamentary custom, and we have, with the result you have had several weeks of fruitful examination in this committee.

Mr. HERRIDGE: But, knowing, Mr. Martin, that we either had to accept the treaty or reject it; we could not make any suggestion in respect of amendments.

Mr. MARTIN (*Essex East*): Quite.

Mr. HERRIDGE: Now, the parliament of Canada presumably will ratify this treaty. The United States Senate will not be required to ratify this treaty.

Mr. MARTIN (*Essex East*): Mr. Herridge, the government of the United States has ratified the treaty and the government of the United States, pursuant to its constitutional authority, has exchanged notes with us approving the terms of the protocol.

Mr. HERRIDGE: Well, if we ratify the treaty it becomes a law of the land.

Mr. MARTIN (*Essex East*): Yes.

Mr. HERRIDGE: And, if the United States Senate does not ratify the protocol—

Mr. MARTIN (*Essex East*): If I may interrupt again, Mr. Herridge, this does not have to go to the Senate of the United States. The Senate has ratified the treaty and under their constitutional practice protocol provisions do not have to be submitted to the Senate. So far as the United States is concerned, they have taken all of the necessary actions and all that remains now to make this treaty effective is ratification by the government of Canada.

Mr. HERRIDGE: Well, if the treaty had been re-negotiated in the accepted sense of the word would it have to go before the United States Senate?

Mr. MARTIN (*Essex East*): Well, I want to define the word "negotiate". If we had said we are not going to accept the treaty as a basis, if we were going to start from the beginning and discard the treaty altogether, then a new treaty under American law would have had to go to the Senate. But, you said a moment ago that your responsibility was either to reject or accept the treaty and I want to deal with that, if I may, at this time. That is true, but I want to make it very clear this committee can do anything it decides to do. You can recommend changes in the treaty, if you wish. You could recommend rejection of the treaty, if you wish. You could recommend approval of the treaty. But, all I am saying is that the government has made its decision and if you do not accept the treaty, then the government's policy will have been repudiated. That is the constitutional position.

Mr. HERRIDGE: Do you say now we could recommend amendments?

Mr. MARTIN (*Essex East*): You can do anything; you are a free agent. You can make any kind of report you wish.

Mr. HERRIDGE: Yes, I can blow my nose.

Mr. MARTIN (*Essex East*): Well, I think you can blow your nose.

Mr. HERRIDGE: So now, Mr. Martin, in respect of the British Columbia Federation of Labour presentation, do you know that their convention policy is unchanged and that they are in full support of the McNaughton plan and in opposition to long term sale of downstream benefits?

Mr. MARTIN (*Essex East*): Well, if you say that I will take your word for it. But, I have not examined all of this in detail. However, as I said, if you say so, I will accept that. But, I do not know what that means other than you are producing a witness who offers some criticism of the treaty and protocol. We have had a number of these and under our democratic procedure it has been salutary that it is possible for those who are protagonists and antagonists of the treaty to come here and make their submissions.

Mr. HERRIDGE: Do you know that the Vancouver labour council unanimously opposed this treaty?

Mr. MARTIN (*Essex East*): Yes, and I am aware you have had a resolution passed in Windsor, after a very notable speech of a few minutes to a group who had gone there—the political action committee, I think it was.

Mr. HERRIDGE: The Windsor labour council.

Mr. MARTIN (*Essex East*): And, after about a 15 minute speech you got a resolution condemning this treaty. I have taken respectful notice of that, too.

Mr. HERRIDGE: Did you know I spoke for an hour, and I did not place all the blame on your shoulders.

Mr. MARTIN (*Essex East*): No; you were characteristically generous, and I appreciate that.

Mr. HERRIDGE: Now, you mentioned the Columbia river for Canada committee; do you know they have the support of some 50 local unions in British Columbia?

Mr. MARTIN (*Essex East*): I did not know it was 15, I think it was 17.

Mr. HERRIDGE: Fifty.

Mr. MARTIN (*Essex East*): Oh. Mr. Robertson gave me the wrong advice.

Mr. HERRIDGE: Do you know that unions of all kinds in Kootenay West are opposed to this treaty?

The CHAIRMAN: Now, Mr. Herridge, I think we have tried to establish a principle.

Mr. HERRIDGE: I am asking questions.

The CHAIRMAN: But one especially has to be cautious in the kind of questions he puts.

Mr. MARTIN (*Essex East*): I also know that we received a petition from your constituency containing the names of some 4,000 people who urged us to get on with the job.

Mr. HERRIDGE: Not my constituency, Kootenay East and Kootenay West, and some 3,746 signed out of 57,000 who had the right to sign, and this was after a very vigorous campaign by the Nelson chamber of commerce. It was admitted in the press to be a complete flop.

Mr. MARTIN (*Essex East*): I thought it was a very interesting petition.

Mr. HERRIDGE: I want to ask another question. This is my dying gasp apparently.

The CHAIRMAN: I never have seen you more healthy.

Mr. MARTIN (*Essex East*): I would be very reluctant to be accused of participating in the dying moments of your life.

Mr. HERRIDGE: This is a matter which concerns the federal government. Do you know that no survey at any time has been made by the federal Department of Public Works, or any estimate has been made whatever with respect to an estimate of cost of building the new wharves which will be required between the High Arrow dam and the city of Revelstoke, which the engineers in the district inform me will be from 14 to 15 at the minimum estimated cost, in terms of \$100,000 each?

Mr. MARTIN (*Essex East*): I got the implication of your question today to the Minister of Public Works.

Mr. HERRIDGE: Who will bear the cost of rebuilding those wharves?

Mr. MARTIN (*Essex East*): Under the constitution of Canada the federal government has a responsibility in matters of this sort. I have no doubt that the federal government of the day, if this treaty is passed, will be confronted with an obligation of this kind, and that it will meet it.

Mr. HERRIDGE: You mean that they will rebuild all these necessary wharves?

Mr. MARTIN (*Essex East*): I say that they will meet this obligation.

Mr. HERRIDGE: Does that mean that the federal government accepts the responsibility to rebuild the wharves and pay for the cost of the thing?

Mr. MARTIN (*Essex East*): I cannot answer it any more clearly than I have. My colleague the Minister of Public Works gave you a happy response today and perhaps we had better leave it at that.

Mr. HERRIDGE: I have been informed from his office that there have been no surveys, and no estimates made whatever.

Mr. MARTIN (*Essex East*): I do not know how you can have a survey until the job has been done.

Mr. HERRIDGE: How does the provincial government arrive at flowage cost figures, having informed us that these include roads, public facilities, and that sort of thing?

Mr. MARTIN (*Essex East*): You have asked the province of British Columbia and I am sure they have given you a satisfactory response.

Mr. HERRIDGE: They refused to give us those figures on flowage cost as against construction of the High Arrow dam.

Mr. MARTIN (*Essex East*): You had better speak to Mr. Patterson about it.

Mr. HERRIDGE: That is my last question.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I have one small question of Mr. Martin. It concerns a matter which I brought up at one of the earlier hearings, having to do with the financing of it. At that time you promised me

that at a later date you would be able to supply the figures with regard to any possible disparity in interest rates between the bonds and treasury bills which the government of Canada had agreed to accept in lieu of United States funds, and the interest rate which the government will be obliged to pay in order to furnish that lump sum payment to British Columbia.

Mr. MARTIN (*Essex East*): I believe with the situation as it is right at this moment it is not possible to give you a precise figure. I thought you were asking me at that time what would be the cost involved for the equalization fund. Was that not it?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): No, I was asking what would be the cost involved in any probable disparity between the interest rates which the American bonds and treasury bills will carry and which will be paid to the Canadian government, and the interest rate which the Canadian government will have to pay in order to raise the funds for the lump sum payment to British Columbia.

Mr. MARTIN (*Essex East*): I thought that it was on the question that I mentioned a moment ago of what would be the probable cost to the equalization fund.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): No.

Mr. MARTIN (*Essex East*): I do not see how it is possible to give a precise figure in answer to your present question.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Are you now in a position to tell us what will be the interest rates that these bonds and treasury bills provide, and what will be their life; that is, for how many years?

Mr. MARTIN (*Essex East*): Do you mean in what form the investment will be made, or what rate?

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): Perhaps at some later date in the house you could give it to us.

Mr. MARTIN (*Essex East*): Mr. Parkinson said at page 264, when you asked him:

Mr. PARKINSON: I do not think we can say. When the time comes for the government to borrow money, it will be borrowing for other purposes as well, and all such borrowings are mixed up together. It might be borrowing some short term, some long term and some medium term. The important thing is that Canada will have over \$300 million of additional reserves with the floor control payments later and it is in Canada's interest to hold these reserves.

You will find that at page 264 of his evidence.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): I think further on you will find that they are reserved.

Mr. MARTIN (*Essex East*): I remember you asked him something, and I did say that I would try to get something. But I thought it was on that.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): The point I raised was that this was a cost to be borne by the government of Canada rather than by the province of British Columbia.

Mr. MARTIN (*Essex East*): That is the point I had in mind.

Mr. CAMERON (*Nanaimo-Cowichan-The Islands*): My contention was that this was so, and that the province of British Columbia was entitled to the net return.

Mr. MARTIN (*Essex East*): I think I was right. I was referring to the cost to Canada in the equalization fund. I could give you a figure now but I do not think I had better do so. I think I had better leave it to the finance people. Mr.

Cameron, I will undertake to have a look taken at this again in the light of this evidence. I fully recall that I did say to you that we would try to look over it.

The VICE-CHAIRMAN: Are there any further questions?

Mr. KINDT: This committee has been meeting for several weeks and we have had evidence brought before us by a great number of people. Now, with some of the features of the treaty I must say that I am not too enthusiastic. But this treaty is supported by the government of British Columbia who own the natural resources and it is supported in the main by the majority of federal representatives in British Columbia. We have given great consideration to the thinking of those who have given evidence before the committee. Now, in analysing that evidence, it has led me to the conclusion that the weight of evidence points that the treaty should be accepted, and I see no reason why this committee should further deliberate the subject. Therefore, I move that the committee go on record as recommending the acceptance of the treaty.

The VICE-CHAIRMAN: Perhaps that would include the protocol as well?

Mr. KINDT: It includes the protocol and the treaty.

Mr. BYRNE: Mr. Chairman?

The VICE-CHAIRMAN: I was going to suggest that Dr. Kindt's suggestion is a very good one, and I was going to suggest to the committee that we adjourn this afternoon, and that the next item of business of the committee be a meeting of the steering committee to be called by the Chairman for the purpose of drawing up a report which could be presented at the next meeting of the main committee for consideration.

Mr. HERRIDGE: That would be in camera, I presume?

The VICE-CHAIRMAN: Oh, yes, of course. The next meeting would be held in camera for consideration of a draft report by the steering committee. It would be a consideration by the whole committee meeting in camera.

Mr. BREWIN: Would it not be advisable to have at least one meeting of the whole committee in camera to get the general drift of what the thinking is, so that the committee might then proceed to prepare a report in line with such general thinking?

The VICE-CHAIRMAN: I do not think it matters which comes first the chicken or the egg. I would throw out the suggestion that there might be a meeting of the steering committee to produce for the committee a report, as a draft, and then alterations or additions could be made to it.

Mr. BREWIN: Let me put it one way: we have heard a great deal of evidence; we have heard the very forceful presentations from the Secretary of State for External Affairs from a particular point of view, but this committee has had no opportunity to get together in camera as a whole to work out what we propose to do. If our decision is to be a cut and dried one, perhaps it is unnecessary to do that, but I would assume that it is not.

The VICE-CHAIRMAN: Mr. Brewin, I would like to say that it is certainly not my suggestion as Vice-Chairman of the committee that the steering committee draw up a cut and dried report to be accepted without discussion. Far from it. I thought the steering committee might draw up a rough draft setting up certain guide lines. Mr. Herridge is a member of that steering committee, and it could set out certain matters to be considered and discussed by the committee meeting in camera. Mr. Patterson?

Mr. PATTERSON: I was going to suggest that we have one meeting in camera of the whole committee. We might proceed immediately. We have another hour yet, and we could discuss it and give an opportunity for a general expression of opinion on the matter, and then the steering committee could take it under advisement and draft a report.

Mr. HERRIDGE: We would like to get the copies of Mr. Martin's report to look over before we have a meeting.

Mr. BYRNE: I was endeavouring to second Dr. Kindt's motion. I was anticipating that the motion would then be discussed in camera. I doubt that it is the function of the steering committee now to give a report to this committee since this is a pretty definitive matter. We either recommend acceptance of this treaty or we recommend against acceptance of the treaty. There is not much alternative.

The VICE-CHAIRMAN: Just a moment. If I may speak at this point; I am one who is completely hide bound as to how this committee should proceed. I have been a member of this committee for a good many years and I admit that this is a somewhat different proposition which is placed before us at the present time. It has always been the custom of this committee to submit reports on items given to it for consideration. And while I think Dr. Kindt's motion is a very interesting one, it of course is up to the committee.

I think it would be very wise for the committee carefully to consider it having regard to our normal custom in this respect. As Mr. Herridge has pointed out, it may be that some members of the committee and members of the steering committee wish to look at the Secretary of State for External Affairs' remarks this afternoon so that they could discuss the matter in the light of those remarks when the committee meets in camera, or in the steering committee if it meets either before or after the general meeting, to decide what we want to do.

Mr. FLEMING (*Okanagan-Revelstoke*): I wish to support the suggestion made. I feel that if we go into an immediate session in camera without having the volume of evidence available to us for a final review, which was submitted this morning and this afternoon, should we endeavour to discuss the matter in camera in generalities we would find it to be a very discursive discussion, and I feel we would be wandering all over the shop. I feel that if the steering committee could bring in a rough draft of something which we could develop with an orderly discussion and hearing, and then report it to the house we would probably make more progress a great deal more quickly.

Mr. HERRIDGE: We are not able to assess the whole thing until we have the printed minutes of the committee, and we are about two weeks behind in receiving them.

Mr. KINDT: I precipitated this discussion. May I say that I will certainly withdraw my motion and lend support to the thinking of the Chair to have a discussion in camera, and I would suggest that such discussion should precede any report by any committee, whether it be the steering committee or otherwise. And let that discussion be similar to what we have had here all during our hearings, a very free and open discussion, and let people say exactly what they think. And then, on the basis of it, let the members that are picked by the steering committee, whoever they might be, draw up a report so that we could get our teeth into it. It might require two meetings, but I think that such procedure should meet with the approval of all members of the committee.

Mr. TURNER: I support the view of Mr. Fleming that perhaps the committee might adjourn at this moment, and that we could meet again at the call of the Chair, and that perhaps in the meantime the steering committee might recommend some course of action to the main committee without in any way infringing on the rights of the committee as a whole to draft a report.

Mr. HERRIDGE: The Secretary of State for External Affairs has assured us that we have the right to make recommendations and amendments.

The VICE-CHAIRMAN: That would be of course part of any report that the committee might submit to parliament. We have a motion?

Mr. BYRNE: I was endeavouring to second the motion made by Dr. Kindt, and I think I should be asked if I am prepared to withdraw my seconding.

The VICE-CHAIRMAN: I did not mean to be discourteous, Mr. Byrne.

Mr. BYRNE: This is probably the first time that Dr. Kindt and I have been in complete agreement.

The VICE-CHAIRMAN: It is a shame to disturb anything then.

Mr. BYRNE: I see no reason why we should not use this one hour we have available now to discuss in camera the matters we have before us without having to come to a decision.

Mr. KINDT: I have one other thought. I strongly feel that we ought to have this discussion before anything is put down on paper. I think for the steering committee to go ahead and write out something that we can get our teeth into does not seem to me to be the right procedure. Let us have our in camera discussion and then let them go ahead and write their minority reports, majority reports, and everything else, but let us have a discussion first, and let us have nothing cut and dried.

Mr. TURNER: With respect to the statement made by Mr. Herridge that as a committee we have the right to recommend amendments to the treaty, as stated also by the Secretary of State for External Affairs, I suggest it must be taken in its full context.

Mr. MARTIN (*Essex East*): I said that each member was free to suggest changes, but the government could not accept them. I assumed that it was not necessary to repeat that.

Mr. BYRNE: I suggest that if the committee is going to undertake a discussion, then amendments which may be made by certain members of this committee should be discussed in camera. I fail to see that this would be a proper procedure, and that the committee has one of two alternatives.

The VICE-CHAIRMAN: Now, Mr. Byrne, when a report of the committee is brought down, any member of the committee can make suggestions as to what should go into it. That certainly would be departing far from the customary procedure in the house, otherwise there would be no point in having a report drawn up.

We have a motion before the committee. Mr. Fleming, would you read your motion, please?

Mr. FLEMING (*Okanagan-Revelstoke*):

I move that the committee now adjourn and that it be reconvened at the call of the Chair after the steering committee has had an opportunity to meet and to take into account the discussion that has taken place in the last few minutes.

Mr. KINDT: I would like to amend that so as to strike out the steering committee aspect.

Mr. BYRNE: I second it.

Mr. KINDT: Let us have a free discussion first.

The VICE-CHAIRMAN: May I suggest that there may be some misunderstanding as to the terms of the motion.

Mr. FLEMING (*Okanagan-Revelstoke*): I have not suggested that the meeting of the steering committee would be to prepare the draft but only that it meet and try to prepare an agenda for our next meeting. I would therefore put it in the following way—

That the steering committee be called to prepare an agenda for the meeting of the full committee.

Mr. KINDT: I would go along with that. I do not think we ought to put down on paper what the feeling of this committee is before there has been discussion in camera.

Mr. TURNER: I understood the motion was to be made in that sense.

The VICE-CHAIRMAN: We have a motion before the committee. Those in favour please signify in the usual manner? Opposed? No one is opposed.

I declare the motion agreed to.

Mr. TURNER: Mr. Chairman, on a point of order, perhaps, in order to aid the committee the clerk would be good enough to circulate copies of the statement of the Secretary of State for External Affairs in due course.

The CHAIRMAN: We will see that this is done.

As we conclude the fiftieth hearing I should like to pay most sincere and respectful thanks to the clerk of our committee, Dorothy Ballentine, the committee reporters—Mr. Hugh Huggins, Mr. Don Coghill, Mr. Wilfred O'Mahony, Mr. Jack Dyer, Mrs. Ita Straszak and Miss Beryl Chadwick and our most kind and genial messenger, Fred Magee. I do think we are all deeply appreciative of the wonderful team of people who have stuck with us morning, noon and often at night to help us with our deliberations.

Mr. CADIEUX (*Terrebonne*): I should also like to congratulate the Chairman.

The CHAIRMAN: The meeting is adjourned to the call of the Chair.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 29

TUESDAY, MAY 26, 1964

WEDNESDAY, MAY 27, 1964

COLUMBIA RIVER TREATY AND PROTOCOL

Including Second Report to the House, Index of Witnesses and
List of Appendices

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Basford ¹	Fairweather,	Laprise
Brewin,	Fleming (<i>Okanagan-</i>	Leboe,
Byrne,	<i>Revelstoke</i>),	MacEwan,
Cadieux (<i>Terrebonne</i>),	Forest,	Martineau,
Cameron (<i>Nanaimo-</i>	Gelber,	Nielsen,
<i>Cowichan-</i>	Groos,	Patterson,
<i>The Islands</i>),	Haidasz,	Pugh,
Casselman (Mrs.),	Herridge,	Regan,
Chatterton,	Kindt,	Ryan,
Davis,	Klein,	Stewart,
Deachman,	Konantz (Mrs.),	Turner,
Dinsdale,	Langlois	Willoughby—35.
	(Quorum 10)	

Dorothy F. Ballantine,
Clerk of the Committee.

¹ Mr. Basford replaced Mr. Macdonald at the afternoon sitting, May 27, 1964.

CORRECTION (English copy only)

PROCEEDINGS No. 27—Wednesday, May 20, 1964.

In the Minutes of Proceedings and Evidence—

Page 1370, Line 42:

For:

Mr. MACNABB: It is replaced.

Read:

General A. G. L. McNAUGHTON: It is replaced.

ORDER OF REFERENCE

WEDNESDAY, May 27, 1964.

Ordered,—That the name of Mr. Basford be substituted for that of Mr. Macdonald on the Standing Committee on External Affairs.

Attest.

LEON-J. RAYMOND,
The Clerk of the House.

REPORT TO THE HOUSE

May 28, 1964.

The Standing Committee on External Affairs has the honour to present its

SECOND REPORT

1. Pursuant to its Order of Reference of March 9, 1964, your Committee had before it for consideration the Treaty between Canada and the United States of America relating to cooperative development of the water resources of the Columbia River Basin, signed at Washington on January 17th, 1961, together with the Protocol containing modifications and clarifications to the Treaty annexed to an Exchange of Notes between the Governments of Canada and the United States signed on January 22nd, 1964.

2. On March 11th, 1964, the House of Commons designated thirty-five members of the Committee:

Mrs. Casselman and Messrs. Brewin, Byrne, Cadieux (*Terrebonne*), Cameron (*Nanaimo-Cowichan-The Islands*), Cashin, Chatterton, Coates, Davis, Deachman, Dinsdale, Fairweather, Fleming (*Okanagan-Revelstoke*), Forest, Gelber, Groos, Haidasz, Herridge, Kindt, Laprise, Leboe, Macdonald, MacEwan, Macquarrie, Martineau, Matheson, Monteith, Nesbitt, Patterson, Pennell, Plourde, Regan, Ryan, Stewart, Turner.

During the course of its sittings, the following were also appointed from time to time to the Committee:

Mrs. Konantz and Messrs. Pugh, Willoughby, Scott, Klein, Langlois, Nielsen, Basford. Of the latter, all except Mr. Scott are at present serving on the Committee.

To prepare its sittings, the Committee appointed a Subcommittee on Agenda and Procedure comprised of Messrs. Matheson, Nesbitt, Fleming (*Okanagan-Revelstoke*), Herridge, Patterson, Turner and Plourde (later Langlois).

3. Your Committee held fifty meetings to receive information and hear testimony from April 7, 1964 until May 21, 1964.

4. Your Committee heard the following witnesses:

From the Government of Canada: The Hon. Paul Martin, Secretary of State for External Affairs; G. M. MacNabb, Water Resources Branch, Department of Northern Affairs and National Resources; E. R. Olson, Department of Justice; Dr. M. E. Andal, Associate Director of Economics, Department of Agriculture; Dr. A. Leahey, Coordinator of Soil Surveys, Department of Agriculture; J. F. Parkinson, Department of Finance.

From the Government of British Columbia: The Hon. R. G. Williston, Minister of Lands, Forests and Water Resources; The Hon. R. W. Bonner, Q.C., Attorney-General; A. F. Paget, Deputy Minister of Water Resources; Gordon Kidd, Deputy Comptroller of Water Rights.

From the Government of Saskatchewan: David Cass-Beggs, General Manager, Saskatchewan Power Corporation; J. W. MacNeill, Executive Direc-

tor, South Saskatchewan River Development Commission; Barry Strayer, Associate Professor, College of Law, University of Saskatchewan.

From the British Columbia Hydro and Power Authority: Dr. H. L. Keenleyside, Chairman; W. D. Kennedy, Division Manager, Economic and Commercial Services; J. W. Milligan, Reservoirs Engineer.

Special Witnesses: General the Hon. A. G. L. McNaughton, C. H., C. B., C.M.G., D.S.O., former Chairman, Canadian Section, International Joint Commission. The Hon. E. D. Fulton, P.C., Q.C., former Minister of Justice and Chief Negotiator, Columbia River Treaty.

The following engineering firms or consultants: J. K. Sexton, Director of Civil Engineering, Montreal Engineering Company Limited; C. N. Simpson, President and H. J. Saaltink, Executive Engineer, H. G. Acres and Company Limited; J. W. Libby, Vice-President and Assistant Chief Engineer, G. E. Crippen and Associates Limited, also representing Caseco Consultants Limited; Dr. R. L. Hearn, President, C.B.A. Engineering Company Limited; Dr. H. Q. Golder, Consulting Engineer; Dr. Arthur Casagrande, Professor of Soil Mechanics and Foundation Engineering, Harvard University.

And also the following: Richard Deane, P.Eng.; Larratt Higgins, economist; F. J. Bartholomew, P.Eng.; E. P. O'Neal, Secretary Treasurer, British Columbia Federation of Labour; Leslie Morris, Secretary and National Leader, Communist Party of Canada; John Hayward, representing the Columbia River for Canada Committee; T. E. Parkin, Public Relations Director and General Organizer, United Fishermen and Allied Workers Union; Bruce Yorke, Consultant, and William Kenned, National Executive Board Member, International Union of Mine, Mill and Smelter Workers; C. S. Jackson, President, United Electrical, Radio and Machine Workers of America, District Five Council; and representing the Consolidated Mining and Smelting Company of Canada Limited: C. H. B. Frere, General Solicitor; and R. G. Anderson, President, and W. W. Wadeson, Hydrologist, West Kootenay Power and Light Company Limited.

5. In addition to briefs from the above, briefs were also received from: J. D. McDonald, P.Eng.; East Kootenay Wildlife Association; the National Farmers Union; Columbia River for Canada Committee, Victoria Branch.

6. Your Committee, in the course of its deliberations, considered the following matters, *inter alia*:

The Committee examined the Treaty and Protocol article by article and item by item. The Committee gave particular attention to the following subjects:

- (a) The proposed plan of development of storage and power sites in the Canadian portion of the Columbia River Basin compared with alternative schemes of development;
- (b) Various features of the individual projects, such as the amount of dislocation involved, the welfare of, and compensation to the people of the affected localities, the safety of the structures, and the plans of the provincial authorities for the reservoir areas, including the clearing of the basins;
- (c) The method of creating, measuring and sharing the downstream power benefits and the manner in which Canada will receive or use its share;
- (d) The arrangements for determining when flood control is to be provided and the manner in which Canada will be compensated;

- (e) The potential for generating electric power in Canada as a result of the Treaty and Protocol;
- (f) The value to Canada of the benefits produced in the Kootenays by the Libby storage;
- (g) The rights and possibilities of water diversions, including possible diversions to the Prairies if required for consumptive uses;
- (h) The respective constitutional rights of the Federal and Provincial Governments as to the development of the Columbia as an international river.

7. Your Committee, at the conclusion of its hearings and after due deliberation, adopted the following resolution:

Your Committee has considered and approved the above-mentioned Treaty and Protocol.

The Committee wishes to express its deep appreciation to its Clerk, Miss D. F. Ballantine, members of the Committees Branch, the other personnel of the House of Commons and all those persons who testified before the Committee or otherwise assisted the Committee in its work.

A copy of the Minutes of Proceedings and Evidence (Issues No. 1 to 29) is appended.

Respectfully submitted,

JOHN R. MATHESON,
Chairman.

MINUTES OF PROCEEDINGS

TUESDAY, May 26, 1964.
(51)

The Standing Committee on External Affairs met *in camera* at 3.30 p.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Casselman, Mrs. Konantz and Messrs. Brewin, Byrne, Cadieux (*Terrebonne*), Cameron (*Nanaimo-Cowichan-The Islands*), Chatterton, Davis, Dinsdale, Fleming (*Okanagan-Revelstoke*), Forest, Gelber, Groos, Haidasz, Herridge, Kindt, Leboe, Macdonald, MacEwan, Matheson, Nesbitt, Patterson, Pugh, Regan, Ryan, Stewart, Turner (27).

The Chairman read a list of suggested topics for discussion submitted by the members at the request of the subcommittee on agenda and procedure.

Mr. Turner made a statement on the constitutional capacity of the committee to deal with the Treaty and what type of report it may constitutionally make. He then moved, seconded by Mr. Fleming (*Okanagan-Revelstoke*) that the committee report to the House that:

Your Committee has considered and approved the above-mentioned Treaty and Protocol.

After discussion, Mr. Brewin stated that he wished to move a number of amendments to the motion of Mr. Turner. The committee agreed to consider Mr. Brewin's amendments at the next meeting.

At 5.20 p.m., the committee adjourned until 9.00 a.m. Wednesday, May 27, 1964.

WEDNESDAY, May 27, 1964.
(52)

The Standing Committee on External Affairs met *in camera* at 9.00 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Messrs. Brewin, Byrne, Cadieux (*Terrebonne*), Chatterton, Dinsdale, Fleming (*Okanagan-Revelstoke*), Forest, Gelber, Groos, Haidasz, Herridge, Kindt, Klein, Macdonald, MacEwan, Matheson, Nesbitt, Patterson, Ryan, Turner, Willoughby (21).

The Chairman having recognized the presence of a quorum, Mr. Brewin moved, seconded by Mr. Herridge, that the following words be added to the motion of Mr. Turner:

"subject to the negotiation of a further protocol clarifying the right of Canada to divert up to 6,000 cfs or 5.0 million acre-feet annually from the Columbia River for the beneficial use of the Prairie Region."

After discussion, and the question having been put, the question was resolved in the negative on the following division: Yeas, 2; Nays, 14.

The Vice-Chairman took the Chair.

Mr. Brewin moved, seconded by Mr. Herridge, that the following words be added to the motion of Mr. Turner:

The definition of "consumptive use" found in para 1(e) of Article I of the Treaty be clarified by negotiation of a further protocol or an exchange of notes between the contracting parties so as not to preclude the multi-purpose use of water diverted to the Prairies, including use for the generation of electric power both in the process of diversion and at any point in the system at times when the diverted water is surplus to the consumptive demand.

After discussion, and the question having been put, the question was resolved in the negative on the following division: Yeas, 3; Nays, 14.

Mr. Brewin, seconded by Mr. Herridge, moved that the following words be added to the motion of Mr. Turner:

The committee has heard on a number of occasions references to the right of veto of a Provincial Government in which is vested the ownership of the resources to be produced by an international river in respect to the development of an international project. The committee firmly repudiates this dangerous and unsound constitutional doctrine.

The Vice-Chairman was of the opinion that he should rule this amendment out of order as it dealt with constitutional matters beyond the competence of the committee, but at the request of the committee, he allowed it to come to a vote, with the stipulation that the vote should not form a precedent to permit the committee in future to consider matters outside its orders of reference.

The question having been put, it was resolved in the negative on the following division: Yeas, 3; Nays, 14.

Mr. Brewin, seconded by Mr. Herridge, moved that the following words be added to the motion of Mr. Turner:

Your committee recommends for the consideration of the government a procedure whereby, when the Government of Canada enters into an important treaty, subject to ratification by Parliament, that the treaty be submitted to the House of Commons and through it to the External Affairs Committee for scrutiny before and not after the negotiation of protocols or amendments, so that the House of Commons could have, in relation to such treaties, as full a power as the Senate of the United States.

After discussion, the mover and seconder agreed to withhold this motion for further consideration.

At 10.30 a.m. the committee adjourned until 3.30 p.m. this day.

AFTERNOON SITTING

(53)

The committee reconvened *in camera* at 3.30 p.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Messrs. Basford, Brewin, Byrne, Deachman, Dinsdale, Fairweather, Fleming (*Okanagan-Revelstoke*), Forest, Gelber, Groos, Haidasz, Herridge, Kindt, Klein, Laprise, MacEwan, Matheson, Patterson, Pugh, Ryan, Turner, Willoughby (22).

The Chairman having recognized the presence of a quorum, Mr. Herridge, seconded by Mr. Kindt, moved that the motion of Mr. Turner be amended by adding the following words:

subject to renegotiation to eliminate the High Arrow Dam as part of the projects provided for in the Treaty.

The question having been put, it was resolved in the negative on the following division: Yeas, 3; Nays, 10.

Mr. Herridge, seconded by Mr. Brewin, moved that the motion of Mr. Turner be amended by adding the following words:

subject to renegotiation so as to eliminate the provision in the Treaty relating to the inclusion of the Libby Dam in the Treaty projects.

The question having been put, it was resolved in the negative on the following division: Yeas, 2; Nays, 11.

Mr. Herridge, seconded by Mr. Brewin, moved that the motion of Mr. Turner be amended by adding the following words:

This committee recommends that the Government of Canada discuss with the Government of British Columbia adequate steps to ensure

(a) that the basin flooded by the Treaty projects be cleared of vegetation to meet the standards established by the British Columbia Fish and Game Federation, the East and West Kootenay Rod and Gun Clubs, and similar organizations;

(b) that a definitive formula for compensation to owners of property purchased or expropriated in connection with the development of the Columbia River projects be established.

After discussion, the mover and seconder agreed to withhold the amendment for further consideration.

Mr. Kindt, seconded by Mr. Herridge, moved that the motion of Mr. Turner be amended by adding the following words:

Flood control at the Dalles and lower Columbia should be the full responsibility of the United States with whatever voluntary assistance Canada can give. It is suggested that the United States Army Engineers reconsider their measures to avert floods on the lower Columbia and carry out a programme of moving people and industries to higher ground, followed by zoning the land to other uses such as golf courses, parks or pastures, thereby solving the flood problem forever and thus not ask Canada to maintain dams for flood control forever.

The question having been put on the proposed amendment, it was resolved in the negative on the following division: Yeas, 2; Nays, 14.

There being no further amendments, the question on the main motion was put from the Chair and resolved in the affirmative on the following division: Yeas, 17, Nays, 2.

The Chairman read a draft report to the House, prepared by the sub-committee on agenda and procedure, and the committee considered it item by item, certain amendments being agreed to.

Mr. Brewin, seconded by Mr. Turner, moved that the report be amended by the addition of the words of his (Mr. Brewin's) earlier motion which had been withheld for further consideration. After discussion, and the question having been put, it was resolved in the negative on the following division: Yeas, 1; Nays, 10.

Mr. Brewin, seconded by Mr. Turner, moved that the report be amended by the addition of the words of Mr. Herridge's earlier motion which had been withheld for further consideration.

After discussion, the mover and the seconder agreed to the withdrawal of the motion.

Mr. Turner moved, seconded by Mr. Fleming (*Okanagan-Revelstoke*), that the report, as amended, be approved. The question having been put, it was resolved in the affirmative on the following division: Yeas, 14, Nays, 2. (*See Report to the House, pages 1456-1458.*)

The Chairman was instructed to present the report to the House.

Mr. Turner, seconded by Mr. Brewin, moved a vote of thanks to the Chairman for his fair and impartial handling of the committee and congratulating him on his effective chairmanship. Carried unanimously.

At 5.40 p.m. the committee adjourned to the call of the Chair.

Dorothy F. Ballantine,
Clerk of the Committee.

NOTE: The article by General McNaughton with comments by the Water Resources Branch, Department of Northern Affairs and National Resources, referred to in the Minutes of Proceedings of Wednesday, May 20, 1964 (Issue No. 27) is included herewith as Appendix X.

APPENDIX X

AN ARTICLE ENTITLED "THE PROPOSED COLUMBIA RIVER TREATY" BY GENERAL A. G. L. McNAUGHTON*, AS PUBLISHED IN THE 1963 SPRING ISSUE OF THE INTERNATIONAL JOURNAL

With Comments By
THE WATER RESOURCES BRANCH
DEPARTMENT OF NORTHERN AFFAIRS AND NATIONAL RESOURCES

March 1964

(1) The Columbia River Treaty was signed by representatives of the Governments of Canada and the United States in Washington on January 17, 1961. Ratification was approved by the U.S. Senate, with only one dissenting vote, on March 21, 1961. The Treaty has not yet been presented to the Canadian Parliament for consideration, but assurance has repeatedly been given to the House of Commons by the Prime Minister and the Secretary of State for External Affairs that this will be done.

(2) The terms of this document have now been available to the people of Canada for more than two years, and the result has been a great and growing anxiety throughout the country about the equity of the proposals and their effect on the rights and vital interests of Canada.

(3) My own anxiety, which dates from sometime before the draft Treaty was signed, has since been very greatly increased as a result of further detailed studies which I have been able to make of this complex document. I believe that the Treaty should not be approved, but on the contrary that Parliament should be given a full opportunity to investigate all aspects of the matter and to determine the changes which should be made and the action to be taken.

I

(4) The Columbia is one of the four great rivers of North America, being exceeded only by the Mississippi, the St. Lawrence and the Mackenzie. It rises in Columbia Lake in east-central British Columbia, and after flowing northwest and then south through the Arrow Lakes, it crosses the international boundary from Canada into the State of Washington, and thereafter flows westward along the boundary between that State and the State of Oregon and empties into the Pacific Ocean.

(5) Two of its principal tributaries—the Pend d'Oreille and the Kootenay—also have their origin in Canada. Most of the basin of the Pend d'Oreille, under various names, lies in Montana and Idaho, but, for some 16 miles before joining the Columbia, the river drops sharply in a loop through Canada providing important power potentialities.

(6) The source of Kootenay is high up on the western slopes of the Rockies near the B.C.-Alberta border. As it flows south it passes within a couple of miles of Columbia Lake at a few feet higher altitude which would facilitate diversion. Thence it continues south across the Canada-U.S. boundary and westward in a great loop into Idaho. Then back north, it recrosses the international boundary into Canada to enter Kootenay Lake. Leaving that Lake as the West

* Former Chairman, Canadian Section, International Joint Commission.

Note: Paragraph numbers have been added in this copy.

Kootenay, it continues westward through six existing power plants which make use of most of the available head, but only part of the flow, to join the Columbia at Castlegar below the Arrow Lakes.

(7) The major part of the waters of the Columbia are melt from the glaciers. Two-thirds of its discharge comes down during the four months of spring and early summer, leaving the remaining third sparsely distributed over the other eight months of autumn and winter. The extreme variation in flow between seasons gives rise to an outstanding opportunity to create enormous benefits by building storages to even out the flow from one season to the next, so that floods may be avoided and power production increased.

(8) In Canada, significant existing power developments are confined to the West Kootenay and the Pend d'Oreille. There are also minor plants on some of the smaller tributaries. The only storage in use is on Kootenay Lake, but sites exist for very large storage at Mica and possibly on the Arrow Lakes on the Columbia. Luxor on the Upper Columbia extends to Bull River on the upper Kootenay. There is also another storage site at Dorr on the Kootenay.

(9) In contrast, downstream in the United States the 1,288 feet of head from the boundary to the sea has been fully planned and mostly developed for power. The only large storages which exist are at Hungry Horse in the Pend d'Oreille basin and at Grand Coulee on the Columbia. Potential additional sites are of limited capacity and very expensive compared to the possibilities in Canada; these sites in the United States are all subject to serious objection by reason of controversy over their competitive uses for fish and wild life, and over the flooding of riparian property. One of these sites, Libby on the Kootenay, would flood out the Dorr project in Canada.

(10) The further development of the Columbia in the United States for flood control, power and navigation—for municipal and industrial uses—for fish and wild life and for the protection of established interests, is therefore an immense and complex problem. It is one of international scope, because it seems that only in Canada is there a practical possibility of providing the storage which is essential for these purposes.

(11) Because the Canadian portion of the Columbia basin is as yet undeveloped there is wider scope for planning to take all factors into account. For appropriate recompense it is possible that great benefits can be accorded to the United States as the downstream state through the co-operative use of Canadian storage.

(12) In both countries there are possibilities for important diversions for power or for irrigation.

(13) In the United States it has been suggested that the flow of the Pend d'Oreille and of the Kootenay from above Libby might be turned via the Spokane River directly into Grand Coulee and thence eventually to California to provide supplies for irrigation now urgently required.

(14) In Canada the diversions of the Kootenay into the Columbia and of the Columbia into the Fraser for power, both on a large scale, have been worked out in some detail. Alternatives have been suggested for the diversion of these waters eastward across the Rockies to remedy forecast deficiencies of supply in the Saskatchewan River basin, principally for irrigation.

II

(15) On March 9, 1944 the Governments of the United States and Canada referred the problem of the development of the Columbia River Basin, in all its aspects, to the International Joint Commission for study and advisory report, under the provisions of Article IX of the Boundary Waters Treaty of 1909.

(16) The Commission established the International Columbia River Engineering Board to carry out the required technical studies. The Board's formal *Report*,¹ in one main volume with six appendices, was submitted to the International Joint Commission in March, 1959. The Commission's own studies showed that before it could prepare a useful report for the two governments, it would be necessary that the two countries should first agree on the *principles* under which the actual developments should be planned, and the benefits in whatever form determined and shared.

(17) Accordingly, at the instance of their respective Sections of the Commission, the two governments instructed the Commission in January, 1959 to develop principles to be applied in determining:

- (a) the benefits from a co-operative use of storage of water and electrical interconnection within the Columbia River System; and
- (b) the apportionment between the two countries of such benefits more particularly in regard to electrical generation and flood control.

(18) The *Report*² thereon was rendered under date of December 29, 1959, and in my opinion envisages not only the *best practicable plan of development* without regard to the boundary, but it provides for an entirely equitable sharing of the benefits to power. In regard to flood control, it is very favourable to the United States; but the terms were written with some measure of flexibility so that the actual benefits to Canada could be increased if this could be justified when specific negotiations came to be undertaken. This report presents the unanimous conclusion of the IJC. It was, however, preceded by very sharp discussion within the IJC, conducted largely between the then Chief of U.S. Army Engineers, General Itschner, and myself in regard to the basic principles of organization and administration of the power arrangements which would be made. In this it was evident that the United States wished for integration of the operation of the Canadian storages and generation into the United States system as an extension of the Bonneville Power Administration, and to be under their effective control. I maintained the view that the instruction of the governments of March 9, 1944, and June, 1959, and moreover the Boundary Waters Treaty of 1909 itself, did not comprehend any such relinquishment to the United States of control over the water resources of Canada. I stated that, in my view, what was called for was a Canadian Entity and a U.S. Entity, each fully accountable to its own government, and these, by mutual co-operation within stated principles, could gain the benefits of upstream Canadian storage and share these benefits equitably—an equal division in power was agreed. Similarly in regard to flood control in the United States: the countries would share on the basis of a monetary payment to Canada equivalent to the value of half the flood damages prevented by the operation of the Canadian storages.

(19) I am happy to say that eventually, with the complete agreement of the Canadian and U.S. commissioners, my views prevailed; though I do not think they were ever agreed to by the U.S. Army Engineers. The IJC Principles do not therefore contemplate *integration* under one management, but rather they anticipate co-operative arrangements by which the sovereign authority of each of the two countries, within its own domain, would be fully maintained. It followed that in implementing the IJC Principles, the Boundary Waters Treaty of 1909 and all its provisions could continue to be fully effective as the governing international law.

¹ International Columbia River Engineering Board, Report to the International Joint Commission United States and Canada: Water Resources of the Columbia River Basin, 1 March 1959.

² Report of the International Joint Commission United States and Canada on Principles for Determining and Apportioning Benefits from Co-operative Use of Storage of Waters and Electrical Interconnection within the Columbia River System, 29 December 1959.

(20) Within the principles and terms of the Boundary Waters Treaty, (which has stood the test of more than a half-century of experience along and across the Canada-United States boundary,) there is ample scope to arrange the solution of the many acute problems which have arisen. This has been done by the IJC in numerous cases; for example the St. Lawrence for navigation and power and on Kootenay Lake for power and the protection of riparian interests from flooding—to mention only two.

(21) On the Canadian side, the unanimously agreed IJC Principles were referred to the governments of Canada and British Columbia, and were accepted as a basis for further negotiation on the specific problem. However, on the U.S. side, it appears that the sides of the U.S. Army prevented adoption by the U.S. government, and it has been stated that LJC Report was never in fact referred to the U.S. departments concerned.

(22) At the opening of negotiations it was reported that the U.S. would regard the IJC Principles only as "guide lines" useful to bring to attention the various points which needed to be negotiated, but in no wise would the United States accord them the status of authoritative conclusions. Following this "downgrading of the IJC Principles" I think it a very great pity that the Canadian negotiations did not break off the discussions because, in their continuance, they found themselves exposed, without authoritative guidance, to the much more highly skilled U.S. team which had adopted the objectives of the U.S. Army.

(23) The merit of the Canadian plan "of Best Use" of the waters of the Kootenay was established and proved in the IJC, but this also was abandoned in the negotiations. We cannot blame the United States for this, because the plan had been accepted early in the negotiations, but it was later rejected at the instance of the representatives of the Government of British Columbia. The result was that the benefits of the Columbia were downgraded so as to present a much less favourable comparison to the Peace, a project far distant from the markets to be served, and many years ahead of its time, which is a preoccupation of the Premier of that Province.

(24) In the eventual result, with very great assistance from the B.C. government, the U.S. negotiators were able to reinstate the concept of "integration" and to arrange in the Treaty that effective control of the Canadian storages would be vested in the U.S. Entity, both in regard to power and for flood control. These are very strong and vital criticisms, and so as this point I will explain the relative provisions of the proposed Treaty in some detail.

(25) For flood control the complete jurisdiction of the United States over the operation of Canadian storage, including refill of the Canadian storage, both during the sixty years following ratification and thereafter forever, is spelt out in the most specific terms in Article IV (2) (a) and (b) and (3) and in Annex A, paragraph 5.

(26) For stream flow improvement for power the jurisdiction given to the United States rests on Annex A, paragraphs 6, 7 and 8. These prescribe that the Canadian storage will be operated to achieve "optimum power generation" in the combined U.S. and Canadian systems in the Columbia.

(27) In spite of the fact that two of the storages contemplated by the Treaty will affect the flow at existing Canadian plants, optimum operation is defined by the Treaty as optimum on the Columbia in the United States (paragraph 6) until such time as generation is installed on the main stem of the Columbia. If Canada then desired any variation from the operation for optimum benefits in "Canada and the United States" as defined (paragraph 7), then (by paragraph 8) Canada is required to make a penalty payment to the United States.

(28) "Optimum power generation" includes the nature and timing of the generation as well as the amount. Since the *full* Canadian flow is used by a larger head in the United States, while a good deal of the smaller head in Canada is upstream from major tributaries, it therefore receives partial flow. This means that under the Treaty it is primarily the U.S. requirements that must be satisfied by the operating plans for flow release and refill of the Canadian storages. So it follows, as has been pointed out in the Gibb Report,³ that the actual releases from the Canadian storages called for by the Treaty for "optimum power production" will be out of phase with Canada's own needs, and heavy *penalty* payments in power will have to be made to the United States if Canadian power production is to be adapted to the Canadian load.

(29) It is indeed very naive to claim, as has been done by the chief Canadian negotiator,⁴ that, because under Annex A, paragraph 9 the Canadian and U.S. Entities, "will agree on operating plans" for the Canadian Storages "during the life of the Treaty" for power, these plans will consequently be acceptable to Canada. On the contrary both Entities are subject to the criteria to achieve optimum generation in the integrated system. For the U.S. this is a most beneficial over-riding provision. The effect for Canada is to reduce the economic attractiveness of installing at-site generation at Mica Creek and building the power dams at Downie and Revelstoke to a point where the projects may be postponed indefinitely.

(30) It is to be noted that the reference to an "assured plan" in Annex A, paragraph 9 for the operation of the Canadian storages does not imply that this plan is to be equitable—only that it is firm and will be carried out.

(31) The plan of development specified in the Treaty is directed to the early completion of three specific Canadian storages based on the greatest possible contribution of those storages to the United States. The commitments for operation of these storages have been extended into the distant future in a way which is inimical to the interests both of Canadian generation and of Canadian flood control. Moreover in the management of these resources, the terms of the Treaty show specifically that the Canadian negotiators gave way to renewed U.S. pressure for integration under U.S. direction and control, not only during the life of the Treaty, but that this would be perpetuated in a particularly vicious form thereafter—forever—and would include within the U.S. grip not only the storages mentioned in the Treaty but all other storages which Canada might ever construct in the Columbia River basin.

(32) At the present stage of development, in the United States, the construction of Canadian storages would add a great deal to the dependability of power output from existing hydro-electric plants in the United States. Later, when thermal generation becomes dominant in the United States it will be used primarily for base load. The hydro plants by then will be much more intensively developed towards meeting diurnal upswings in demand to the limit of flows available. Then, apart from base load, thermal will only be used to meet deficiencies when water supply is low. Theoretically, at this mature stage of system development, it will be possible to use the full flow as it comes without upstream storage operation other than for the interception of the crest of flood flows. In practice, however, if the Americans are to avoid a vast investment in duplicate standby thermal capacity, they will rely to an even greater extent upon fine control of seasonal flow.

(33) This difference between theory and practice is significant under the Treaty, because the diminishing benefits to Canada are to be computed from

³ A report prepared for the British Columbia Energy Board in July 1961 by Sir Alexander Gibb and Merz and McLellan.

⁴ In a letter to Engineering News and Contract Record, September 17, 1962.

the theory, but the required operation of the Canadian storage will be based upon the practical requirements of the United States. According to the theory upon which Canada's benefits are to be based, the need for Canadian storage should decrease. But under the Treaty the U.S. call is maintained at 12.5 million acre-feet for power purposes. For flood control purposes, the amount committed by Canada is the limit of existing capacity "for so long as the flows in Canada continue to contribute to potential flood hazard in the United States"—that is forever.

(34) What I have said may be summarized by stating that not only is the initial plan of development, as set out in the Treaty, wrong for Canada, but if this document is approved by Parliament and ratified, Canada will have lost the authority to control even this limited development to meet Canadian requirements: moreover it has been made economically impossible to extend these developments with at-site generation in a general plan for the eventual advantage of Canada.

III

(35) It may well be asked how these deprivations of Canadian benefits have been accomplished. Of these, there are several aspects which I will indicate briefly.

(36) First, as regards downstream benefits to power. This is a conception which we in the Canadian Section IJC initiated as a method of securing a fair share in division of the benefits which the U.S. generating plants would derive from the regulated flow produced by the operation of the Canadian storage. These benefits would be very large, even if the storage were to be operated primarily for the advantages of Canadian generating plants by making the best use of our waters within our country according to the rights recognized in the IJC Principles and in the Treaty of 1909, as I have mentioned.

(37) Among the Principles agreed to in the IJC, I would particularly draw attention to general Principle No. 2 which states that the co-operative operation "should result in advantages to each country as compared to alternatives available in that country". I would like to record that this condition, which represents an essential consideration of equity in any co-operative arrangement, was formulated as a principle by my American colleagues and proposed by them for adoption as an over-riding rule. It is very distressing to find that this rule has not been adhered to by the negotiators in regard to stream flow control by the Canadian storages.

(38) In actual fact, the initial benefits are to firm power, which is to be delivered under the provisions of Article VII (3) (b) in equal monthly amounts. This is the Canadian requirement, but these deliveries are forecast to decrease as the proportion of thermal generation in the U.S. increases. The use of the very valuable service of storage regulation for peaking, which increases, is not, as I have mentioned, reflected by the Treaty formulae in the benefits which are shareable with Canada. There is no clause in the Treaty which gives Canada assurance as to the amount of downstream benefits to be received.

(39) Moreover, by a play on the word *usable*, the United States has been authorized to withdraw a very large amount of secondary generation under guise that it could be sold as such for metallurgical use or for transmission out of the basin to California for irrigation pumping. There is no mention of any such possibility in the relevant IJC Power Principles, more particularly in Nos. 1, 2 and 3. In fact, this secondary generation is to be left in the U.S. system and firmed by Canadian storage release, and then sold as firm power in the increased amount and values produced by the Canadian storages but to the sole credit of the United States. The amount of this deprivation under the

"level and conditions of development" forecast for 1970 was stated by the U.S. negotiators in their report of October 19, 1960 as 379,000 kilowatt-years of prime power. The value of a half share, that is 189,500 kilowatt-years due to Canada, is about \$7 million annually delivered at Vancouver.

(40) It is to be noted that the method prescribed in Annex B of computing a "Canadian Entitlement" to downstream benefits has no effect whatsoever on the actual flows from the Canadian storage. It is merely a means of assessing the Canadian claim and liquidating it without interfering with the actual releases from the Canadian storage which will be determined by Annex A, paragraphs (6) and (7) for the operation of the hydro-electric plants in the United States.

(41) The actual deliveries of the Canadian share of downstream benefits can be made from any source convenient to the United States. A theoretical calculation of this kind is a useful method, but it presents an easy field for manipulation as is evidenced by Article X in which Canada is assessed for a stand by service for transmission at a rate of \$1.50 per kilowatt per year of capacity entitlement. This is estimated by Gibb to amount to \$1.9 million annually, and Montreal Engineering⁵ reports the service to be unnecessary. In fact, the U.S. intention is, I think, to about balance the cost of transmission of the Canadian share of the benefits to the boundary; also to create an inducement to draw Canada, a little later on, into an integration arrangement which would be primarily of advantage to the United States.

(42) Add up the unnecessary charges which I have indicated have been assumed by the Canadian negotiators, and it is not to be wondered at that, in the result, the U.S. negotiators, in their own statement to Congress, should be able to report that the first million kilowatt-years of their share of downstream benefits will be deliverable at their load centres for .95 mills per kilowatt-hour, while for Canada, the cost will be about 4.2 mills per kilowatt-hour. When Libby, which is to be authorized by Article XII, is added to the U.S. system, the U.S. benefits will increase by another 544,000 kilowatt-years, and the overall cost at their load centres will then be about 1.6 mills per kilowatt-hour, which is much less than the present cost of some 2.2 mills in the Bonneville system.

(43) Later on, when Canadian at-site generation comes to be installed, an even more unfortunate arrangement develops its adverse effect to cut down drastically the possibilities for production of power for the Canadian load. This derives from Clause 3 of the Preamble, which I have mentioned previously, and which defines the *Intent* of the Parties to the Treaty as: "being desirous of achieving the development of the resources in a manner that will make the largest contribution to the economic progress of *both* countries and the welfare of their people of which *these resources* are capable".

(44) This is *collective*. It means that the regulation of flow the Canadian reservoirs must be directed in making the largest contribution, to provide both in kind and amount the greatest possible total benefit in the basin. This is a perfectly laudable objective, no doubt, in integrated operations for one country, but when the result is "peaking power" to meet the larger U.S. interest while Canada requires "firm power", there is a *clash of interest* in which Canada as the smaller will suffer very seriously through the results of the objective of regulation specified in Annex A, paragraph 7. This calls for "operating plans designed to achieve *optimum generation* at-site in Canada and downstream in Canada and the United States" including—as a later stage—"consideration of any agreed electrical co-ordination between the two countries". Basin "optimum" is largely the kind of regulation which the United States wants, not

⁵ In a report prepared by the Montreal Engineering Company in May, 1961 for the Department of Northern Affairs and National Resources, Ottawa.

what Canada needs. My proposal was that the objective of regulation should be "to maximize generation at-site and downstream in Canada and including the Canadian half-share of the benefits in the U.S." This would have gone some way to accord with the rights of Canada to make the best use of its resources in head and flow within the Columbia River basin as contemplated in the IJC Principles and in the governments' letters of June 1959.

(45) If it should happen that this arrangement would not result in optimum *basin* operation, the way would be open for further co-operative arrangements to be made whereby Canada would modify its operation to secure the further gains, in the United States, and would be recompensed for departing from its own optimum operation. The end result in regulation of flow would be the same as that contemplated by the Treaty—but the division of the benefits would be equitable, and more in accord with the rights of each country in the matter as recognized in the Boundary Waters Treaty of 1909.

IV

(46) I next mention what I believe to be the most unfortunate and damaging part of the Treaty, namely, the permission which would be given to the United States to build a dam near Libby, Montana. This has been successfully resisted by the Canadian Section IJC since 1952, as not being in accord with the Treaty of 1909. It does not make the best use of the waters of the Kootenay River rising in Canada. Moreover, because of its marginal economic status, Libby is opposed by many people in the United States other than the Corps of Engineers. This accounts for the fact that the United States had been prepared to concede development according to the Canadian plan. But the Premier of British Columbia vetoed the construction of the Bull River Dam during negotiations—although he was prepared to accede to the flooding of the lower East Kootenay valley by a project in the United States which Canada had resisted for a decade. By paragraph 2 of Article XII of the proposed Columbia River Treaty, "all benefits which occur in either country from the construction and operation of the Libby storage accrue to the country in which the benefits occur".

(47) Briefly, the result is to deprive Canada of the beneficial use of 5.8 million acre-feet of average annual flow through an average net increased head in Canada of some 611 feet by way of the Dorr diversion. This represents 350,000 kilowatt-years of firm power-at-site generation and subsequent increases also in downstream benefits which should be credited to Canada.

(48) Under the provisions of Article II of the Boundary Waters Treaty of 1909, Canada has specific jurisdiction to make this best use of Canadian waters, and moreover, this can be done more efficiently and at less cost in Canada than by way of Libby and the Kootenay in the United States. Moreover, Libby would appropriate 150 feet of Canadian head at the boundary to the United States and would flood 42 miles upstream in Canada. This is forbidden by Article IV of the Boundary Waters Treaty except by special agreement or with the approval of the IJC and, under Article VIII, subject to conditions to protect the interests of upstream state. There is no need for these reasons for Canada to give consent to this servitude on Canadian sovereignty as is contained in the proposed Columbia River Treaty. Under that proposal, the United States is to be permitted to raise the storage capacity at Libby to 5.01 million acre-feet which is to be available to be drawn down annually for flood control. Evidently the flow will be used for the generation of "peaking power". In view of the fact that Duncan Lake is to be regulated under the Columbia River Treaty as part of the Canadian storage, but with no regard for the downstream plants in Canada on the Kootenay, the result will be very adverse to these generating plants where "firm power" and *not* "peaking" is required.

(49) The benefits of Libby to flood control in the Bonners Ferry locality and downstream on the Columbia in the sensitive area at the Dalles in terms of damage prevented amounts to about \$2.68 million annually in the United States. These benefits could be equally well or better provided by the Bull River-Luxor reservoir in the plan including the Dorr diversion, in which case Canada would be entitled to a half share, that is, to an addition \$1.34 million annually for flood control.

To summarize:—

(50) The most serious consideration in respect to Libby is that, with this project authorized by the proposed Treaty, the United States is to be allowed to place and control the dominant storage on the Kootenay above the existing Canadian plants. This storage will be of sufficient capacity to swamp the Canadian generation or to cut off the flow into Kootenay Lake when the storages are being refilled. Under Article XII of the Treaty the United States is under no restriction whatever in the operation of this storage, and there is every incentive, in their own interest, to use it in a way which is contrary to the Canadian interest.

(51) The power studies indicate that very heavy penalty payments in the eventual interconnection agreement will be required to make the U.S. operations tolerable to the Canadian plants. The Treaty gives Canada *no* authority even to require this. Thus the situation will be very similar on the West Kootenay to that of Waneta on the Pend d'Oreille, where under the IJC Order, issued in accord with the Boundary Waters Treaty of 1909, the United States is recognized *rightly* as having full jurisdiction to operate their upstream storage at Hungry Horse etc. as they may find most useful for their own system. This is now being done, and in the result the flow at Waneta in the late summer is markedly restricted while Hungry Horse is being refilled. At this season, only one unit out of the four planned can be operated. This has resulted in the Consolidated Mining and Smelting Co. being forced to seek an interconnection agreement, but in this compensation will have to be given to the United States for any energy delivered in excess of the minimum under the conditions of regulation which the United States has specified for its own system.

(52) The same situation will arise on the West Kootenay, but there the deficiency to be compensated will be very much greater in magnitude, and it may well make future plant installations uneconomic and impracticable, not only during the life of the Treaty but afterwards also.

(53) Finally, I would like to make reference to the situation in respect to the operation of Canadian storage generally, which the Treaty would create for 60 years after ratification, *thenceforward forever*.

(54) Article IV (3) provides that "for as long as the flows in the Columbia River contribute to potential flood hazard in the U.S.A., Canada *shall* when called upon by an entity designated by the U.S. for that purpose, operate within the limits of existing facilities *any* storage in the Columbia River Basin in Canada as the Entity requires to meet flood control needs for the duration of the flood period for which the call is made". (emphasis added)

(55) Annex A paragraph 5 provides that "refill will be as requested by the United States after consultation with the Canadian Entity". Note that decision in these matters lies with the *United States*. Note further that by Article XIX (4), Articles IV (3), VI (4), and VI (5), survive the Treaty and remain in force *forever*. In relation to these clauses there is little doubt that the various provisions in regard to the details of operation for flood control will remain effective also forever. Among these, note in Annex A paragraph 5 that refill is to be as *requested* by the U.S. entity.

(56) The words "operate storage" are not specifically defined in the Treaty, but both drawdown and refill are mentioned in Annex A "Principles of Operation". It should also be noted that a "flood control period" is not defined either, but the language of Article IV (3) clearly implies that the definition is left to the discretion of the United States in timing calls for flood control.

(57) This matter is important, and if this interpretation is not correct the Treaty should so state specifically.

(58) Real estate development in the flood plain of the Lower Columbia River is already sufficient to require control of a flood of 1894 magnitude to 800,000 cubic feet per second at the Dalles. Under the proposed treaty this emulation of King Canute will take place at an ever increasing rate, and this will raise the requirement for the operation of Canadian storage progressively both in frequency of demand and in the amount of storage to be evacuated; the duration of a call and of the refill which follows could become almost continuous.

(59) With control of evacuation and refill, the United States will be able to adjust the storage releases to satisfy their continuing requirements for peaking and for the maintenance of heads at their reservoirs and generating plants downstream. In fact, they will be able to arrange, without question, that the Canadian reservoirs provide most of the storage draft, and so the burden of storage operation for the basin as a whole for flood control, nominally, but, with benefits to United States power as a by-product, will be caused to be borne by Canada, to the great relief and with immense profit to the United States. This is a very exceptional privilege of great advantage to the United States. Canada is obliged to extend the service in perpetuity but will receive no share of the net benefit.

(60) Note that the rights to be given to the U.S. Entity by Article IV (3) to operate existing facilities for flood control are *specific to a need* which is to be assessed and determined by the U.S. Entity.

(61) I do not believe that, under the Treaty, such a call could be resisted. Certainly for Canada to attempt to do so in conditions of flood hazard, real or alleged, would result in a dispute.

(62) Note further that by Article XVI, differences under the Treaty may be referred by either party to the International Joint Commission or other tribunal for decision. It is also important that Clause 4 of this Article provides that Canada and the United States "shall accept as definitive and binding" and "shall carry out any decision of the International Joint Commission or other arbitration tribunal". (emphasis added) Furthermore by Article XVIII (1) "Canada and the United States shall be liable to the other and shall make appropriate compensation in respect of any act, failure to act, omission, or delay amounting to a breach of the treaty" and by Clause (3) "To the extent possible within its territory shall exercise due diligence to remove the cause of and to mitigate the effect of any injury, damage or loss".

(63) These provisions are all essentially for the protection of the United States interests downstream, because, while the operation of Canadian storages can cause serious and indeed disastrous damages to the United States downstream, there is little that the downstream country can do to cause damage upstream.

(64) Article XVIII (5) limits the damages payable for a breach of the Treaty if Canada fails to commence operation of a storage and for a breach of the Treaty involving loss of power benefits. The first limitation is ambiguous because the Treaty does not define "commencement of full operation". The second is for a relatively trivial matter. Does this mean, however, that liability for damages arising from other causes is not limited? In any event, there is no specific mention of the damages to which Canada would be liable in the

event of a breach of the Treaty in respect of operation for flood control when called upon by the United States. Damages could run into hundreds of millions of dollars. How would they be assessed by the arbitration to which Canada would bind itself under Article XVI (4)?

(65) I have been advised that the International Joint Commission or other alternative tribunal will naturally turn to the Preamble for an understanding of the intent of the parties as a basic consideration from which any points of difficulty in dispute in the various clauses will need to be resolved.

(66) In consequence, it is evident that a call from the U.S. Entity for storage operation (either evacuation or refill) for the protection or advantage of the great and growing values in the lower Columbia "for the welfare of their people" is an order which Canada must obey. There would be no point in an appeal by Canada to the International Joint Commission or other Tribunal for the reason that, when a breach of the Treaty is involved, it is on the terms of the Treaty itself that judgment would need to be given. Here, equity is not a consideration at all. The Treaty itself provides the code of international law which governs. The Treaty also provides the means to enforce the judgment of the Tribunal.

(67) Moreover, by Article XVI (4), Canada will have contracted to "Carry out any decision of the Tribunal".

(68) If this interpretation is not correct the Treaty should provide against it in the clearest terms.

(69) I would like to point out that while these vast interests in lower Columbia real estate do not now exist and so for the present are not in hazard, they will come into being as a consequence of the service of Canada and the guarantee of Canada provided for in the Treaty. We will thus be in a sense the creator of the crushing burden we will have to bear in the future, when our lands will need to be inundated in flooding and exposed as muddy flats in drawdown to serve requirements we ourselves have helped to create, to our own distress and hurt and from which there will be no relief—ever.

Comments on an Article Entitled "The Proposed Columbia River Treaty"
by General A. G. L. McNaughton, as Published in the Spring 1963
Issue of the International Journal—Water Resources Branch,
Department of Northern Affairs and National Resources

March, 1964.

In commenting upon General McNaughton's article, the following review re-arranges his order of presentation somewhat in an effort to deal more efficiently with the main aspects of his criticisms and to simplify comment in the areas where his criticisms tend to become repetitive.

Pertinent quotations from his article and our comments thereon have been arranged into four main sections as indicated in Item "A" of the Table of Contents. In most instances the pertinent parts of General McNaughton's statements have been quoted, followed by appropriate comment. However, in order to facilitate further reference to his statements, the paragraphs in his article have been numbered and these numbers are referred to in this review.

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I GENERAL

POSSIBLE PLANS OF DEVELOPMENT AND THE I.J.C. PRINCIPLES

(Refer to paragraphs 9, 10, 13, 17, 18, 22, 23.)

Statement: Referring in paragraphs 9 and 10 to further development of the Columbia River in the United States for various purposes and to problems associated therewith by reason of controversy over competitive uses of water, General McNaughton states in paragraph 10 that such development is

... an immense and complex problem ... of international scope, because it seems that only in Canada is there a practical possibility of providing the storage which is essential for these purposes.

Comment: It is, of course, very true that because of the upstream location of Canadian storages within the Columbia Basin and the relatively large percentage runoff from this part of the basin, Canadian Treaty storages are able to provide large and economical benefits in the United States. Under the Treaty, these are shared with Canada. However, it would be most unrealistic to assume that the United States has no practical alternatives to Canadian storage because of competitive demands for water-use in that country. Load growth in the Pacific Northwest is expected to continue to be met primarily by hydro-electric development over the next 15 years or more, depending upon its rate of growth. Failing the construction of Canadian storages, alternative storage projects in the United States would be accelerated to meet both power and flood control requirements. One of these projects is already under construction, the licence for another has been awarded by the Federal Power Commission and a third is under consideration by Congress. While the large United States investment which has already been made in hydro equipment could be utilized by the improved flows resulting from the operation of either Canadian or alternative U.S. storage, alternative U.S. development would result in greater costs to the United States in earlier years. However, the value to the United States of such alternative storage, some of which is going to be developed in any event, would increase with increasing use of these developments for at-site generating purposes, while, on the other hand, the U.S. benefits from Canadian storage are expected to decrease with time as their system becomes more self-sufficient. This has prompted a noted United States resource economist to state that over a long-term period there may be no advantage for the United States to participate in a co-operative development of Canadian storages as compared to its alternative of proceeding independently with its own projects.

With regard to development in Canada, Canadian storages will be of increasing benefit to Canadian generation requirements; and their economic development provided for under the Treaty, even over a short-term period, assures continued economic development of subsequent Columbia projects in Canada as these are required to meet Canadian loads.

Statement: In paragraph 13 General McNaughton refers to a suggestion in the United States

"... that the flow of the Pend d'Oreille and of the Kootenay from above Libby might be turned via the Spokane River directly into Grand Coulee and thence eventually to California to provide supplies for irrigation now urgently required."

Comment: The most obvious interpretation of the General's statement—that California's irrigation supplies may require a diversion of Kootenai and Pend d'Oreille flows directly into the Grand Coulee reservoir—certainly does not represent a practical suggestion. The same flows would be available at Grand Coulee dam if left in their natural channels and would be available for whatever irrigation use was required.

Apart from the apparent impracticability of the suggestion, a diversion out of the Kootenai River in the United States would have to be undertaken by that country with the full knowledge that the Columbia River Treaty gives Canada the right at specified times in the future to make increasing diversions out of the Kootenay River into the upper Columbia. In 80 years' time, these diversions could leave very little water in the Kootenay River to supply the suggested United States diversion works.

The Treaty provision for Canada's right to divert Kootenay River water into the upper Columbia carries no provision for any legal liability for damage incurred downstream in the United States. Apart from this specific diversion right granted to Canada, the Treaty forbids any diversion of water, other than for a consumptive use, that would affect the flow at the International Boundary. In regard to rights of diversion for consumptive purposes, such as irrigation for example, the Protocol to the Treaty clearly specifies agreement by the two countries that the Treaty provides to each of them the right to divert water for a consumptive use.

Statement: General McNaughton states in paragraph 23 that

The merit of the Canadian plan 'of Best Use' of the waters of the Kootenay was established and proved in the I.J.C., but this also was abandoned in the negotiations. We cannot blame the United States for this, because the plan had been accepted early in the negotiations...

Comment: It is assumed that General McNaughton's reference to the "Canadian plan of Best Use" is the maximum diversion plan favoured by him.

The two principal reports on the Columbia River with which the International Joint Commission was mainly concerned were (1) the International Columbia River Engineering Board (I.C.R.E.B.) report dated March 1959, and (2) the Commission's report, dated 29 December 1959, on the principles for determining and apportioning benefits. The I.C.R.E.B. report studied three principal plans of development and concluded that "no one plan of development can be selected as representing the optimum use of sites and water resources". The I.J.C. report on Principles dealt only with the principles to be applied in determining benefits and the apportionment of such benefits between the two countries. The selection of projects for the particular plan of development to be adopted was left to the jurisdiction of the respective governments. It is of interest to note that to date the I.J.C. has not made any recommendation to the two governments concerning development of the water resources of the Columbia River Basin. Therefore, it would not appear that any plan of development "was established and proved in the I.J.C."

It should be noted that the maximum diversion plan, which General McNaughton says was "accepted" by United States Treaty negotiators, had such economically damaging conditions attached to it that it was completely unacceptable to the full Canadian negotiating team and was at no time accepted by Canada. It should be noted also that the High Arrow project was included in all plans considered.

Statement: In paragraphs 17 and 18, General McNaughton makes initial reference to the Principles contained in the report of the International Joint Commission, dated 29 December 1959, and states in part that in his opinion the report

...envisages...the best practicable plan of development without regard to the boundary...

Comment: General McNaughton presumably has the Dorr diversion or maximum diversion scheme in mind. This scheme was one of three principal plans of development which were presented to the I.J.C. by the International Columbia River Engineering Board in its final report of March 1959. The

Board, however, could not recommend any one plan as representing the optimum development of the basin. In fact, of the three plans studied, the plan of limited diversion at Copper Creek rather than the maximum Dorr diversion, indicated the highest level of development of the water resources of the basin as a whole. From the point of view of additional energy developed in Canada under the respective plans the Copper Creek plan, while adding slightly less at-site energy than the Dorr plan, does so also at slightly less overall unit and annual costs. If the incremental costs and benefits of increasing amounts of Kootenay River diversion are considered, the cost of the additional energy provided by the Dorr plan (maximum diversion) over that of the Copper Creek plan (limited diversion) is more than twice as expensive as the additional energy provided by the Copper Creek plan over that available in the non-diversion plan. These results are supplemented by studies carried out by the Water Resources Branch in 1957 which supported a limited diversion plan.

In the preparation of its report on "Principles", the I.J.C. understandably limited itself to very general considerations and did not enter into the problems of project selection. Under General Principle No. 1, the selection of projects for construction is left as a matter of future negotiation. In a statement on 23 March 1960 before the Standing Committee on External Affairs, General McNaughton referred to two main steps to be followed in implementing this Principle: (1) a nomination of the projects to be built by the respective governments within their jurisdiction and (2) with regard to projects so nominated, that effort be made to develop them in the order of the most favourable benefit-cost ratio.

Therefore, neither the I.C.R.E.B. report which studied overall basin development without regard to boundary, nor the I.J.C. Principles themselves contain any evidence of a recommendation for any particular plan of development.

Statement: In paragraph 22, General McNaughton refers to a downgrading of the I.J.C. Principles stating that

At the opening of negotiations it was reported that the U.S. would regard the I.J.C. Principles only as 'guide lines' useful to bring to attention the various points which needed to be negotiated, but in no wise would the United States accord them the status of authoritative conclusions.

Comment: Many points of importance were only mentioned by the Principles and then left for mutual agreement in subsequent negotiations and operating arrangements. A water Resources Branch paper of 2 February 1960 concluded that the Principles were "... for the most part clear and acceptable from the Canadian technical point of view" but that "... there exist in certain of the Principles elements of indecisiveness which prevent straightforward application of the Principles and may be expected to lead to further periods of international negotiation before ultimate agreement is achieved".

In summing up the Treaty negotiations the Canadian negotiators concluded that the Treaty was generally consistent with the I.J.C. Principles in those cases where the I.J.C. Principles were specific. Where the I.J.C. report had indicated that certain matters were necessarily subject to negotiation and agreement they felt results had been achieved which represented satisfactory compromises from Canada's point of view.

It should be noted also that while the United States suggested that the I.J.C. Principles be used only as "guide lines" in the negotiations, the Canadian negotiators continued throughout the negotiations to use the Principles as their basic terms of reference for the negotiations.

II POWER

1. CONTROL OF CANADIAN STORAGES FOR POWER

(Refer to paragraphs 18, 19, 24, 31, 34, 40.)

Statement: In paragraph 24, General McNaughton states in part that . . . the U.S. negotiators were able . . . to arrange in the Treaty that effective control of the Canadian storages would be vested in the U.S. Entity, . . . in regard to power . . .

In paragraph 31 he adds,

Moreover in the management of these resources, the terms of the Treaty show specifically that the Canadian negotiators gave way to renewed U.S. pressure for integration under U.S. direction and control, not only during the life of the Treaty, but that this would be perpetuated in a particularly vicious form thereafter—forever—and would include within the U.S. grip not only the storages mentioned in the Treaty but all other storages which Canada might ever construct in the Columbia River basin.

In paragraph 34, referring again to Canadian Treaty storages, he states that

. . . Canada will have lost the authority to control even this limited development to meet Canadian requirements:

Comment: None of these assertions is correct. Article IV(1) of the Treaty requires that Canada operate (for power) the 15,500,000 acre-feet of Treaty storage in accordance with Annex A and pursuant to hydro-electric operating plans made thereunder. These are the "assured plans of operation". Annex A, paragraph 9, provides that the entities *will agree* annually on the operating plans to be followed. This approach of having international agreement on the plans of operation of the Canadian storage is specified in I.J.C. Power Principle No. 1 and is emphasized further in the I.J.C. Discussion under that Principle which states in part, "It is, therefore, highly important that river-flow regulation be provided under an *agreed* operating plan or rule curve that will assure the despatch of water by the owner of storage facilities to the owners of downstream hydro plants in such a manner as to meet the needs of the latter for delivery of firm power to their customers. Such a plan of operation will provide the maximum downstream power benefit consistent with the degree of co-ordination agreed upon".

The assured plan of operation to which both countries must agree does not extend beyond the life of the Treaty; Canada's commitments thereafter are only in regard to the provision of flood control under certain specified conditions. These are discussed in a later section of this review.

It is also important to note that the "agreed" plans under the Treaty will not be designed solely for United States needs. Once generation is installed in Canada at-site or downstream of Mica the aim of the agreed plans of operation is to produce the maximum benefits in both Canada and the United States. Canada agreed to such a plan after it had satisfied itself that the flexibility provided by the Treaty adequately protected Canada's own interests.

Article 7 of the Protocol further dispels General McNaughton's concern over control. The Treaty not only reiterates the need for agreement by both countries on the assured plans of operation which are made 5 years in advance at all times, but also clearly states that the detailed operation which will attain the monthly storage quantities specified by the assured plans will be at the discretion of the Canadian entity alone, unless of course both entities agree on a more advantageous plan to both countries.

Finally, General McNaughton's assertion that Canada will not be able to economically extend development of the Columbia River in Canada cannot be supported by any objective study of the Treaty. The Treaty not only permits development, even up to the maximum diversion plan favoured by General McNaughton, but makes any development of the Columbia in Canada possible by means of the great economic impetus it provides.

Statement: In the latter part of paragraph 18, General McNaughton states that in his view

...what was called for was a Canadian Entity and a U.S. Entity, each fully accountable to its own government, and these, by mutual co-operation within stated principles, could gain the benefits of upstream Canadian storage and share these benefits equitably—an equal division in power was agreed.

Then in the last sentence of paragraph 19 he adds

It followed that in implementing the I.J.C. Principles, the Boundary Waters Treaty of 1909 and all its provisions could continue to be fully effective as the governing international law.

Comment: The manner of operation of Canadian storages is expressed much more specifically in the I.J.C. Principles than in the stated view of General McNaughton (that the Canadian and United States Entities "...by mutual co-operation within stated principles, could gain the benefits of upstream Canadian storage..."). The I.J.C. Principles specify an agreement on an "assured plan of operation". Each country would be bound by the terms of such agreement. Consequently, for the duration of the agreement, Canada's right under Article II of the Boundary Waters Treaty, to "...exclusive jurisdiction and control over the use and diversion...of all waters on its own side...", would have to be exercised in a manner fully consistent with the agreed-upon assured plan of operation.

Statement: Referring to the Treaty in paragraph 40, General McNaughton states,

It is to be noted that the method prescribed in Annex B of computing a "Canadian Entitlement" to downstream benefits has no effect whatsoever on the actual flows from the Canadian storage. It is merely a means of assessing the Canadian claim and liquidating it without interfering with the actual releases from the Canadian storage which will be determined by Annex A, paragraphs (6) and (7) for the operation of the hydro-electric plants in the United States.

Comment: The reverse situation is actually true. The assured plan of operation to which Canada commits itself is made 5 years in advance at all times and is based upon the optimum use of Canadian storage by the United States and Canadian plants. The computation of downstream benefits is determined at the same time and based on the same studies of streamflow regulation. Therefore there is a very direct relationship between the two. The fact that both the plan of operation and the benefits are made in advance is essential to the planning of the power entities and fully consistent with I.J.C. Power Principle No. 2. The United States is assumed under the Treaty to make the most effective use of improved streamflows resulting from Canadian storage, and our benefits are based on this assumption; however, whether or not the computed benefits are actually realized is immaterial in so far as Canada is concerned.

The following references to Annexes A and B of the Treaty show clearly that the computation of downstream benefits and the required operating plans are both based on the same series of studies carried out six years in advance:

- (1) Paragraph 9 of Annex A states that "... the entities will agree annually on operating plans and the resulting downstream power benefits..." for each year of the life of the Treaty. This is the assured plan of operation which, under paragraphs 6, 7 and 8 of Annex A, must produce "optimum system benefits".
- (2) Paragraph 5 of Annex B states that "... estimates of downstream power benefits will be calculated annually... on the basis of the assured plan of operation..." and paragraph 6 states "No retro-active adjustment in downstream power benefits will be made at any time during the period of the Treaty".

Article 8 of the Protocol to the Treaty has altered the situation to Canada's advantage by requiring that for the first 30 years and thereafter, unless otherwise agreed, the determination of the downstream benefits will be based on mean monthly streamflows for the 30-year period from 1928 to 1958. The Treaty had originally called for these benefits to be based on a 20-year period of streamflow. The calculation of both the benefits and the plan of operation will be based upon that 30-year period of flow. This is the plan of operation which Canadian storage is obliged to follow. However, there is the further provision under Article XIV, Clause 2(k), of the Treaty, which charges the entities with the responsibility for "preparation and implementation of detailed operating plans that may produce results more advantageous to both countries than those that would arise from operation under the plans referred to in Annexes A and B". Canada can agree upon such detailed plans if she so wishes. If not, Article 7(2) of the Protocol emphasizes Canada's right to unilaterally undertake the detailed operating plans which will meet the monthly storage requirements of the assured plan.

2. THE CONTRIBUTION OF TREATY STORAGES TO POWER IN THE UNITED STATES AND CANADA

(Refer to paragraphs 26, 27, 28, 29, 31, 32, 34, 37, 43, 44, 46, 47, 48, 50, 51, 52.)

Statement: In paragraphs 26 and 27 General McNaughton refers to the assured plan of operation which is spelled out in Annex A of the Treaty. In the first sentence of paragraph 26 he states

For streamflow improvement for power the jurisdiction given to the United States rests on Annex A, paragraphs 6, 7 and 8.

The first sentence of paragraph 27 states

In spite of the fact that two of the storages contemplated by the Treaty will affect the flow at existing Canadian plants, optimum operation is defined by the Treaty as optimum on the Columbia in the United States (paragraph 6) until such time as generation is installed on the main stem of the Columbia.

In the second sentence of paragraph 27 he states

If Canada then desired any variation from the operation for optimum benefits in 'Canada and the United States' as defined (paragraph 7), then (by paragraph 8) Canada is required to make a penalty payment to the United States.

Comment: By the choice of words and by partial reference to the provisions in Annex A, these statements of General McNaughton infer inequity to Canada in the assured plan of operation for power. Operation of the Canadian storages for optimum power generation in the United States before Mica at-site generation is installed does not only represent an obligation by Canada to the United States to operate under an assured plan; it assures also that while providing a maximum return to Canada from downstream power benefits in the United States, the operation of Canadian storages under the assured plan will be consistent with the amount of downstream power benefits available. Thus the assured plan also represents a limitation on the extent or degree to which Canadian storages are operated to meet U.S. requirements.

With reference to the second sentence of paragraph 27 it is true that a penalty payment by Canada would be required if Canada wished to operate its storage for optimum benefit to Canada alone rather than optimum benefit to both Canada and the United States as is required by paragraph 7 of Annex A. However, the reverse situation is also true as the United States would similarly have to compensate Canada for any loss in Canadian generation if they requested, and Canada agreed to an operation planned solely to maximize benefits in the United States. Canada's probable need for such a variation in operation certainly is minimized in view of the following tabulated results of a study by the Montreal Engineering Company. The tabulation shows the decline in Canadian downstream benefits for the years 1972 and 1985 resulting from the operation of Canadian storage for maximum Canadian generation as compared to that required for maximum United States generation.

Net Decline in Canadian Benefits

(Assuming Development of High Arrow Storage)

	1972	1985
Decline in capacity benefits	16 MW	65 MW
Decline in energy benefits	7 MW Yrs./yr.	18 MW Yrs./yr.

These declines in Canada's downstream benefits are relatively minor when compared to the magnitude of the developments involved. (They range between 1% and 5% of Canada's downstream benefit entitlements). Since they are based upon the two extremes of possible operation, whereas the Treaty specifies operation for combined system optimum benefit, they are also greater than the maximum possible amount of power that could be required to compensate the U.S. for any Canadian variation of operation to provide optimum Canadian at-site generation. The Montreal Engineering Company study was carried out prior to a decision by British Columbia to proceed with the Peace River project. The existence of that large reservoir will give even greater flexibility of operation to the British Columbia entity.

Finally, it should be noted that the I.J.C. Principles refer to a general optimum utilization of the storage, not optimum utilization to Canada alone. In testimony on these Principles, General McNaughton has referred to "optimum system effects" from the storage rather than optimum Canadian benefit. The Treaty therefore is not only consistent with the Principles, but provides more flexibility to Canada than envisaged by those Principles.

Statement: In paragraph 31, General McNaughton states that

The plan of development specified in the Treaty is directed to the early completion of three specific Canadian storages based on the greatest possible contribution of those storages to the United States.

The commitments for operation of these storages have been extended into the distant future in a way which is inimical to the interests... of Canadian generation...

In paragraph 43 he states

...when Canadian at-site generation comes to be installed, an even more unfortunate arrangement develops its adverse effect to cut down drastically the possibilities for production of power for the Canadian load.

In paragraph 44 he states in part

...when the result is 'peaking power' to meet the larger U.S. interest while Canada requires 'firm power', there is a clash of interest in which Canada as the smaller will suffer very seriously through the results of the objective of regulation specified in Annex A, paragraph 7. ...Basin 'optimum' is largely the kind of regulation which the United States wants, not what Canada needs. My proposal was that the objective of regulation should be "to maximize generation at-site and downstream in Canada and including the Canadian half-share of the benefits in the U.S."

Comment: In Annex A, paragraphs 6 and 7, of the Treaty, the assured plan of operation provides for the operation of 15½ million acre-feet of Canadian storage initially so as to achieve optimum power generation downstream in the U.S. Later, when generating facilities are placed in operation in Canada, the storage is to be operated in a manner which will achieve optimum power generation at-site in Canada and downstream in Canada and the U.S. The first sentence in paragraph 31 therefore is true to the extent that Canada agrees, in accordance with the assured plan, to operate its Treaty storage for maximum U.S. benefit until generators are installed in Canada at-site or downstream from the storage. This means that during this period Canada is entitled to receive as its half-share, an immense power benefit under the Treaty.

When at-site power is installed in Canada at Mica or downstream therefrom, the assured operating plan is altered to produce maximum system benefit (U.S. and Canada) from the Treaty. This means, in effect, that as Canadian generation increases, operation of Canadian storage becomes increasingly directed toward Canadian generation requirements. However, it will not be the relative sizes of the individual U.S. and Canadian systems which will govern this change, as General McNaughton appears to suggest, but rather the extent of the dependence of the respective systems upon Canadian storage. In the early years a purely hydro-electric system in the U.S. has its maximum need for Canadian storage to increase power and energy production. In later years, the growing U.S. system with an increasing thermal component will be able to utilize Columbia River outflows from Canada with less dependence upon Canadian storage. While this will mean reduced downstream power benefits it will at the same time permit an operation of Canadian storage more closely in line with Canadian at-site generation requirements. The Treaty objective of meeting the "basin optimum" therefore adequately takes care of the changing dependence on Canadian storage from the U.S. to Canada. Its ability to accomplish this most effectively is guaranteed by the High Arrow dam which will reregulate Mica flows so as to continue to obtain maximum possible downstream benefits while at the same time permitting flexible operation of Mica storage for at-site generation in Canada.

General McNaughton's suggestion in paragraph 44 that outflows from Canadian storage will be governed by a U.S. "peaking power" requirement

resulting in a "clash of interest" with Canadian firm energy requirements is not a practical one. This is so for two reasons. First, the remoteness of Canadian storage from U.S. generators makes it impractical to use that storage to assist in meeting daily or weekly peak loads in the U.S. even if this were permitted by the Treaty. Secondly, Canada's commitment under the Treaty is to operate its storage for power under an assured plan of operation as set out in Annex A. Therefore outflows for any peaking operation would have to be covered by the assured plan. The assured plan must be agreed to annually by the power entities five years in advance and will not be subject to unilateral change by the U.S. to meet a particular system peak load.

The Protocol to the Treaty makes it abundantly clear that not only is the assured plan a monthly plan, but that Canada has the option to supply the required monthly releases of storage from any of its three Treaty projects and also to decide itself on the daily operating plans within the month which will achieve the required monthly releases. Therefore, if there ever was the theoretical possibility of Canadian storage being required to be operated for peaking benefits downstream in the United States even this theoretical possibility no longer exists.

General McNaughton's stated proposal that the objective of regulation should be "to maximize generation at-site and downstream in Canada and including the Canadian half-share of the benefits in the U.S." does not appear in the I.J.C. Principles. Power Principle No.2 refers to a general "optimum utilization of the storages" rather than "optimum Canadian utilization". Indeed, in his comments before the External Affairs Committee on 23 March 1960, General McNaughton stated in part that "Under Power Principle No. 2 the several storages will be operated to give optimum system effects in both capacity and energy in the agreed critical periods". His reference therefore was to an assured plan which will produce "optimum system effects" rather than "optimum Canadian effects".

Statement: In paragraph 28 General McNaughton states that

...under the Treaty it is primarily the U.S. requirements that must be satisfied by the operating plans for flow release and refill of the Canadian storages. So it follows as has been pointed out in the Gibb Report 3, that the actual releases from the Canadian storages called for by the Treaty for "optimum power production" will be out of phase with Canada's own needs, and heavy penalty payments in power will have to be made to the United States if Canadian power production is to be adapted to the Canadian load.

Comment: In his footnote "3", General McNaughton refers to the report prepared for the British Columbia Energy Board in July 1961 by Sir Alexander Gibb & Partners and Merz and McLellan, Consulting Engineers. He is probably referring to the sentence near the bottom of page 22 of the Gibb Report which states "It will be noted that Mica outflows to suit the Canadian load are out of phase with the outflows for optimum downstream benefits" (not optimum system power as implied by the General). If so, it is interesting to note that he disregards completely the very next sentence on that page which states "Fortunately as described later and shown also in Plate 3, Arrow Lakes can largely absorb the difference in outflow so that, except in three months, the flow to the U.S.A. remains the same as that required for optimum downstream benefits". He apparently also disregards one of the chief points listed as item 4 on page 3 of the Consultants' letter to the B.C. Energy Board which reads as follows:

4. The flexibility allowed under the Treaty for the operation of these storage reservoirs will enable the Canadian power plants on the main

stem to be operated in the interests of the British Columbia load and without serious reduction in the amount of the downstream benefits.

It should be pointed out further that not only is the General's statement incorrect with respect to the Gibb's Report observations and conclusions, but the Gibb Report itself is not making proper analysis of the amount of power Canada would have to provide to the U.S. if, under the Treaty, the Canadian storages were to be operated for maximum Canadian at-site generation. Pages 22 to 24 and Plate 3 of the Report discuss two methods of operation of Canadian storages: (1) regulation for optimum generation in Canada and (2) regulation for optimum downstream benefits in the U.S.A. The Report states in the last paragraph on page 24 that when operating for optimum Canadian generation, Canadian outflows are insufficient to meet the needs of the downstream benefits and the result is a reduction in energy output and dependable capacity at Grand Coulee in February and March. Then on page 25 it states "Canada must make good this reduction in U.S. generation". This is not correct. Under the Treaty Canada would have to make good to the U.S. only that reduction represented by the difference between operation for Canadian optimum generation and operation for system optimum (Canada and U.S.) generation.

Statement: Referring in paragraph 29 to the Treaty provision for optimum system generation, General McNaughton states

The effect for Canada is to reduce the economic attractiveness of installing at-site generation at Mica Creek and building the power dams at Downie and Revelstoke to a point where the projects may be postponed indefinitely.

Comment: The reverse of this is true. As soon as Mica generation is installed the pattern of Canadian storage releases changes from operation to meet optimum U.S. generation to operation for optimum system (U.S. and Canada) generation. Thereafter, as Canadian power requirements increase, the building of additional Columbia River projects in Canada increases the orientation of storage operation towards Canadian generation requirements. This is so also because of a gradual lessening of the U.S. system's dependence upon Canadian storage operation commencing in the 1970's (as indicated by a reduction in downstream benefits), which is a result of its growth and its increasing component of thermal-electric generation. The result is that storage operation under the Treaty is of increasing value to Canadian at-site generation. Hence it is difficult to see how the General can claim that the effect for Canada, of optimum system generation "... is to reduce the economic attractiveness..." of installing additional Canadian at-site generation. Studies by very prominent engineering firms as well as those by federal and provincial government engineers do not in any way support his claim.

Statement: Referring in paragraph 32 to the changing characteristics of the U.S. system and particularly to the time when thermal generation becomes dominant, General McNaughton states

Theoretically, at this mature stage of system development, it will be possible to use the full flow as it comes without upstream storage operation other than for the interception of the crest of flood flows. In practice, however, if the Americans are to avoid a vast investment in duplicate standby thermal capacity, they will rely to an even greater extent upon fine control of seasonal flows.

Then in paragraph 33 he states

This difference between theory and practice is significant under the Treaty, because the diminishing benefits to Canada are to be computed from the theory, but the required operation of the Canadian storage will be based upon the practical requirements of the United States. According to the theory upon which Canada's benefits are to be based, the need for Canadian storage should decrease. But under the Treaty the U.S. call is maintained at 12.5 million acre-feet for power purposes.

Comment: The principal fault in General McNaughton's reasoning in these two paragraphs lies in his insistence that (a) the United States entity can call on Canadian storage as and when it wants, and (b) that these demands will be made and must be honoured daily. On both points he is in error. As commented on in some detail in regard to paragraph 44 of his Article, (see page 13) Canada's commitment under the Treaty is to operate under a monthly assured plan of operation made 5 years in advance. Detailed operation is at the discretion of the Canadian entity.

The effect that increasing U.S. thermal installation has in reducing the downstream benefits from Canadian storage and the reason therefor have also been referred to in commenting upon paragraph 44. Under the Treaty the benefits are computed five years in advance on the basis of an assured plan of operation agreed upon by the two entities and with the assumption that the United States base system is operated to make the most effective use of Canadian storage. The calculation of benefits may be "theoretical" because of this assumption; however, anything less than the most effective use of Canadian storage by the U.S. plants would of course produce lower benefits.

The use of Canadian storage during the "mature" stage of development of the U.S. system will not save a duplication in United States thermal capacity. At this stage thermal capacity is added for peaking purposes as well as energy while Canadian storage can provide only a source of energy and not peaking generation.

In his reference to a U.S. call for 12.5 million acre-feet of Canadian storage for power purposes, General McNaughton probably is referring to that part of Annex A, paragraph 7, of the Treaty which states that after at-site power is developed at Mica or downstream therefrom, the change in storage operation from optimum U.S. benefit to optimum system (U.S. and Canada) benefit shall not cause, at any time during the period of the Treaty, a reduction in U.S. benefits greater than that which would result from a 3,000,000 acre-foot reduction of Canadian storage. The Protocol goes further by stating in Article 7(1) that Canada's commitment to operate applies only to the amount of the Treaty storage which is required to produce the downstream benefits shared by Canada. This very effectively answers General McNaughton's concern over "Theory" in benefit determination and "practical requirements" in operation.

Reference should be made to page 12 of these comments, which tabulates the results of a Montreal Engineering Company study of the decline in Canadian downstream benefits for the years 1972 and 1985 resulting from the operation of Canadian storage for maximum Canadian generation as compared to that required for maximum United States generation. The Company had this to say concerning the decline in downstream benefits:

In both 1972 and 1985, it was found that adverse effects on American generation due to change in the pattern of Canadian storage operation were within the limits established in the Treaty, i.e. in the first year after at-site development, not more than the equivalent of the reduction of 500,000 ac. ft. of storage from Canada (1972), and ultimately not more than the total equivalent reduction of 3,000,000 ac. ft. (1985).

Hence the loss of downstream benefits suffered by Canada is half of the total loss, and no penalty is involved. This favourable situation results primarily from the ability to use much of the 7,100,000 ac. ft. of the High Arrow storage to re-regulate the discharge from Mica Creek, and hence to minimize the adverse effects in the United States. Our work has progressed far enough to indicate that without the High Arrow storage the resulting inability to re-regulate Mica Creek discharges would produce a marked change in this situation; it would no longer be possible to keep the adverse effects in the United States within Treaty limits, Canada would have to make good the resulting excesses of losses in capacity and energy to the latter country, and the net declines in Canadian downstream benefits would be multiplied many fold—at least in 1972, though possibly to a somewhat lesser degree in 1985.

Statement: In paragraph 37, referring to the I.J.C. Principles, General McNaughton states

...I would particularly draw attention to general Principle No. 2 which states that the cooperative operation "should result in advantages to each country as compared to alternatives available in that country". I would like to record that this condition, which represents an essential consideration of equity in any cooperative arrangement, was formulated as a principle by my American colleagues and proposed by them for adoption as an over-riding rule. It is very distressing to find that this rule has not been adhered to by the negotiators in regard to streamflow control by the Canadian storages.

Comment: If taken by itself, this paragraph is a strongly worded criticism without supporting argument, suggesting inequity to Canada under the Treaty when compared to I.J.C. General Principle No. 2. Unless he were able to provide more specific argument, satisfactory comment on his criticism would have to include other comments made during and after the formulation of General Principle No. 2 and the Treaty application of this Principle.

If, on the other hand, the inequity he is thinking of has to do with the determination and sharing of downstream power benefits to which he refers more specifically in paragraphs 38 and 39, comment on these paragraphs is made under sub-heading No. 3, "SHARING OF DOWNSTREAM POWER BENEFITS BY UNITED STATES AND CANADA" starting on page 27 of this comment.

Statement: In paragraph 46, General McNaughton states his belief that ...the most unfortunate and damaging part of the Treaty... is "...the permission which would be given to the United States to build a dam near Libby, Montana.

He adds in part

It does not make the best use of the waters of the Kootenay River rising in Canada.

and in paragraph 48, he states that

...this can be done more efficiently and at less cost in Canada than by way of Libby and the Kootenay in the United States.

In paragraph 47 he states that Libby would

...deprive Canada of the beneficial use of 5.8 million acre-feet of average annual flow through an average net increased head in Canada

of some 611 feet by way of the Dorr diversion. This represents 350,000 kilowatt-years of firm power at-site generation and subsequent increases also in downstream benefits which should be credited to Canada.

Referring to the initial developments under the Treaty he states at the end of paragraph 34 that

...it has been made economically impossible to extend these developments with at-site generation in a general plan for the eventual advantage of Canada.

Comment: When General McNaughton refers to the increased at-site generation in Canada because of a greater utilization of available head in Canada under the Dorr diversion plan he is considering that point in time when power projects in Canada at Luxor, Calamity Curve, Mica, Downie and Revelstoke have all been fully developed. He apparently overlooks the average head loss to Canada of some 527 feet caused by an early development of the Dorr plan: 185 feet of this head is required to pump the diverted water over the Bull River dam and another 342 feet of average head is lost at the existing Kootenay River plants in Canada which would be deprived of this water. Therefore, early development of the Dorr diversion plan is clearly not economic to Canada.

Under Article XIII(2) of the Treaty, Canada has the right after twenty years to divert Kootenay River water to the Columbia River at Canal Flats. Twenty year power studies comparing the energy potential in Canada of the Canal Flats and the Dorr-Bull River-Luxor diversion schemes, under 1985 conditions, indicate approximately 300 megawatt years greater *at-site* generation in Canada under the Dorr plan.* This energy gain can be achieved only at great cost and with considerable flooding of land and does not appear as an economical proposition for Canada. If allowance is made for the operation for downstream energy benefits under the respective plans, the 300 megawatt-year difference of generation in Canada between the two plans is reduced to 250 megawatt years. The difference when downstream benefits themselves are included is 200 megawatt years. If we take into account under the Dorr plan an energy sale of some 275 MW to the United States which, during the negotiations, the United States indicated they would require to compensate for lost Kootenay River potential, there is a difference in potential of about 75 megawatt years of energy in favour of the Canal Flats scheme. These comparisons are given in more detail in the following table and it should be noted from footnote (6) of this table that the maximum diversion plan has not been penalized for the conflict in operation at Mica which arises under any plan not including the Arrow Lakes Project. (See also Montreal Engineering Company comments on page 19). In the International Columbia River Engineering Board Report of 1959 a study of three main plans of complete river basin development indicated that the Copper Creek diversion scheme gave the lowest unit-cost incremental power in Canada. The Canal Flats diversion permitted under the Treaty is a limited diversion plan even more economic than diversion at Copper Creek.

Under Article XIII(3) & (4), of the Treaty, Canada has the right between 60 and 100 years after ratification to divert into the Columbia River most of the Kootenay River flow at the Canada-U.S. boundary. Therefore, under the Treaty, Canada obtains a clear right to make this diversion and thus achieve the ultimate maximum Canadian development favoured by General McNaughton if Canada decides that such a diversion has become

(* 30-year studies recently completed to include consideration of a higher dam at Mica show an increase of 350 megawatt years of at-site power. Increased costs of the diversion structures more than off-set this gain.)

economic at that time. Therefore, contrary to his statement, the Treaty does permit further development of Columbia River projects in Canada following the initial Treaty developments and, apart from doing so, it also permits economic initial development in Canada which cannot be achieved by the Dorr plan. Part of this initial economic development is provided by the downstream benefits which Canada receives from the Libby dam and which it is not required to share with the United States. It should perhaps also be noted at this point that General McNaughton's statement in paragraph 9 that

...Libby on the Kootenay, would flood out the Dorr project in Canada.

is not correct. The Dorr project can be developed by Canada 80 years after ratification if Canada so wishes at that time. Not only is the *right* of diversion at Dorr granted under Article XIII(4), but Article XII(10) makes it clear that Canada's commitment to provide reservoir area in Canada for the Libby dam applies after the termination of the 60-year Treaty only to that land "...that is not required by Canada for purposes of diversion of the Kootenay River...".

Statement: In paragraph 46 he states also

Moreover, because of its marginal economic status, Libby is opposed by many people in the United States other than the Corps of Engineers. This accounts for the fact that the United States had been prepared to concede development according to the Canadian plan.

Comment: The "marginal economic status" of Libby is of no concern to Canada since under the Treaty, Canada does not participate in the cost of the development apart from making available some 13,700 acres of land to be flooded in Canada by the Libby reservoir. Under Article XII(2) of the Treaty Canada does not have to share with the United States either the very substantial power benefits which accrue to Canada on the lower Kootenay, or the important flood control protection which Libby provides to Canada.

It is not known what particular discussion General McNaughton is referring to when he states that "the United States had been prepared to concede development according to the Canadian plan". Canadian plans proposed at the negotiations which included the East Kootenay projects also included the Arrow Lakes Project. Perhaps his statement refers to the Canada-United States negotiations on 31 March and 1 April 1960 when there was a discussion of alternative sequences. During these discussions the United States delegation pointed out that the United States would not be prepared to arrive at any arrangement which did not allow it to build Libby or to secure comparable benefits. Included in these comparable benefits was a requirement that Canada sell to the United States for at least 20 years and at a very low price, a block of power amounting to about 275 megawatts. This power sale, at what would amount to a heavily subsidized rate, would compensate the United States for the smaller quantity of power available from a sequence which excluded Libby.

Statement: Referring to United States operation of Libby, General McNaughton states in the latter part of paragraph 48

Evidently the flow will be used for the generation of "peaking power".

then he adds

In view of the fact that Duncan Lake is to be regulated under the Columbia River Treaty as part of the Canadian storage, but with no regard for the downstream plants in Canada on the Kootenay, the result will be very adverse to these generating plants where "firm power" and not "peaking" is required.

COMPARISON OF AVERAGE ENERGY POTENTIAL IN MEGAWATT YEARS
INDEPENDENT CANADIAN SYSTEM OPERATION—DOWNSTREAM POWER BENEFITS FROM U.S. UNDER 1985 CONDITIONS

	Dorr—Bull River—Luxor Diversion (Average Annual Diversion of 5.7 MAF)	Canal Flats Diversion ⁽¹⁾ (%)	Increase Through Full Diversion
1. At-site Generation: ⁽²⁾			
Dorr.....	8 MW-YRS	—	+8 MW-YRS
Bull River Pumps.....	-41 "	—	-41 "
Luxor.....	37 "	—	+37 "
Calamity Curve.....	110 "	—	+59 "
Mica.....	1060 "	51 MW-YRS	+250 "
Downie Creek.....	598 "	810 "	+95 "
Revelstoke Canyon.....	420 "	503 "	+63 "
Duncan Lake.....	0 "	357 "	0 "
Kootenay Plants.....	264 "	0 "	-168 "
Waneta & 7 Mile.....	561 "	432 "	0 "
High Arrow.....	— "	561 "	0 "
Murphy Creek.....	255 "	0 "	-2 "
Sub-Totals.....	3272 "	257 "	+301 "
2. Reduction in Murphy Creek Generation Through Operation for Downstream Benefit Generation ⁽³⁾	-89 "	-40 "	-49 "
Sub-Totals.....	3183 "	2931 "	+252 "
3. Estimated Downstream Energy Benefits if returned to Canada ⁽⁴⁾	325 "	380 "	-55 "
Sub-Totals.....	3508 "	3311 "	+197 "
4. Energy Sale to the United States to Compensate for Lost Kootenai River Potential.....	-275 "	0 "	-275 "
Totals ⁽⁵⁾	3233 MW-YRS	3311 MW-YRS	-78 MW-YRS

NOTES: (1) With High Arrow Storage under Columbia River Treaty Requirements

(2) From 20-year Water Resources Branch power studies for *independent Canadian system operation*.

(3) From Montreal Engineering Company Estimates of 10 January 1962.

(4) Based on results of International Work Group studies. Energy benefits for Dorr—Bull River—Luxor diversion study based on average annual storage releases indicated by study described in "Note (2)". Mica, Bull River—Luxor—Dorr average storage release = 8.8 million acre feet.

(5) Conflict at Mica between operation for at-site and downstream generation not considered. Montreal Engineering studies indicate very limited conflict in systems including High Arrow storage.

(6) Current plans are to utilize a higher dam at Mica which would eliminate the Calamity Curve Project.

Water Resources Branch

17 October 1963.

In paragraph 50 he continues

The most serious consideration in respect to Libby is that, with this project authorized by the proposed Treaty, the United States is to be allowed to place and control the dominant storage on the Kootenay above the existing Canadian plants. This storage will be of sufficient capacity to swamp the Canadian generation or to cut off the flow into Kootenay Lake when the storages are being refilled. Under Article XII of the Treaty the United States is under no restriction whatever in the operation of this storage, and there is every incentive, in their own interest, to use it in a way which is contrary to the Canadian interest.

and in paragraph 51 he adds

The power studies indicate that very heavy penalty payments in the eventual interconnection agreement will be required to make the U.S. operations tolerable to the Canadian plants.

Comment: The operation of Canadian storages under the assured plan in the Treaty has been reviewed briefly in the comment beginning on page 13. Under the Treaty, the second of the above quoted statements of General McNaughton (re Duncan operation), is applicable only during the period when there is no generation at Mica and when Libby has been constructed. Once there is generation at Mica, the operation of Canadian storages under the assured plan changes to operation for optimum system (Canada and the U.S.) benefits. Even in the interim period Canada can use Kootenay Lake to its best advantage. However, apart from this limitation to the circumstances prescribed by General McNaughton, preliminary studies carried out by the Water Resources Branch indicate that with Libby operating on a daily peaking basis with a maximum installation of eight units discharging at 32,000 cfs, the daily fluctuation of Kootenay Lake required to maintain a uniform outflow from the lake does not exceed about 0.13 foot. This does not take into account the 125 miles of river channel between Kootenay Lake and Libby which would have additional regulatory effect. It is obvious therefore that Kootenay Lake can very easily reregulate daily peaking flows from Libby. There is an additional safeguard provided in Article XII, Clause (6), of the Treaty which requires that the operation of U.S. storage upstream from Kootenay Lake shall be consistent with any Order of Approval relating to the levels of Kootenay Lake made by the I.J.C. under the Boundary Waters Treaty of 1909. Water Resources Branch preliminary studies also show that if the U.S. were to operate Libby on an annual peaking basis, i.e. release all annual usable storage during the winter peak load period but at all times abide by the I.J.C. Order, the Kootenay River plants in Canada would still obtain very considerable power benefits from Libby storage. Not only would the U.S. operation of Libby provide beneficial rather than harmful effects at the Canadian Kootenay plants, its operation would still require satisfactory arrangements agreeable to Canada in regard to prior Kootenay Lake storage releases so Libby release would not violate the I.J.C. 1938 Order of Approval regarding Kootenay Lake levels.

Those people most familiar with the operation of the Kootenay Lake storage and generating plants in Canada, the owners of those facilities, are satisfied that it is inevitable that any rational method of regulating the proposed storage in Duncan and Libby must benefit the present (Kootenay River) plants and provide an opportunity for an increase in machine installation at reasonable cost.

Statement: In paragraph 51 General McNaughton states that

... the situation will be very similar on the West Kootenay to that of Waneta on the Pend d'Oreille, where under the I.J.C. Order, issued in accord with the Boundary Waters Treaty of 1909, the United States is

recognized rightly as having full jurisdiction to operate their upstream storage at Hungry Horse etc. as they may find most useful for their own system. This is now being done, and in the result the flow at Waneta in the late summer is markedly restricted while Hungry Horse is being refilled. At this season, only one unit out of the four planned can be operated.

and in paragraph 52 he adds

The same situation will arise on the West Kootenay, but there the deficiency to be compensated will be very much greater in magnitude, and it may well make future plant installations uneconomic and impracticable, not only during the life of the Treaty but afterwards also.

Comment: General McNaughton is incorrect in his explanation of what is happening on the Pend d'Oreille River. Hungry Horse is not being refilled in the late summer months as the existing Pend d'Oreille flows at the boundary are essentially natural flows at that time of year. For example, the average September flow at the boundary, adjusted for changes in contents of reservoirs and natural lakes is only about 8,000 cfs, i.e. little more than the 6,000 cfs required to operate one unit at Waneta. The low flow conditions of the Pend d'Oreille River in the late summer are therefore not the result of U.S. upstream storage operation. A more accurate picture is simply that the U.S. storage operation does not improve conditions at Waneta at that time of year and, unlike the situation on the Kootenay River, Canada has no downstream storage of its own on the Pend d'Oreille on which it can call to reregulate the flows to suit its own needs. In the event that General McNaughton's statement might be interpreted to suggest Canada is being damaged by United States storage operations upstream on the Pend d'Oreille River, the Consolidated Mining and Smelting Co. which operates Canada's plant on the Pend d'Oreille River acknowledges that it is the 5,350,000 acre-feet of upstream United States storage that has upgraded this river into a major power resource for Canada. This is the same Company which is satisfied that it is inevitable that any rational operation of Libby and Duncan Lake storage will benefit generation on the Kootenay River in Canada. Thus those officials who are most familiar with power generation in the Kootenay area are in disagreement with General McNaughton.

3. SHARING OF DOWNSTREAM POWER BENEFITS BY UNITED STATES AND CANADA

(Refer to paragraphs 38, 39, 41, 42.)

Statement: In paragraph 38 General McNaughton states that

...the initial benefits are to firm power, which is to be delivered under the provisions of Article VII(3)(b) in equal monthly amounts. This is the Canadian requirement, but these deliveries are forecast to decrease as the proportion of thermal generation in the U.S. increases. The use of the very valuable service of storage regulation for peaking, which increases, is not, as I have mentioned, reflected by the Treaty formulae in the benefits which are shareable with Canada.

Comment: Annex B, paragraph (1) of the Treaty defines power benefits as the "... estimated increase in dependable hydroelectric capacity in kilowatts for agreed critical streamflow periods and the increase in average annual usable hydroelectric energy output in kilowatt hours on the basis of an agreed period of stream flow record". Compare this wording with that of I.J.C. Power Principle No. 4 which identically defines downstream benefits as "... the increase in dependable hydroelectric capacity in kilowatts under an agreed upon

critical stream flow condition, and the increase in average annual usable hydroelectric energy output in kilowatt hours on the basis of an agreed upon period of stream flow record".

Canada does receive from the U.S. a "peaking benefit" which is referred to in Annex B as "the increase in dependable hydroelectric capacity for agreed critical stream flow periods". This represents the average increase in firm capacity potential of the U.S. base system during the critical period resulting from the operation of Canadian storage on the basis of the assured plan of operation agreed upon. It is calculated under paragraph 2 of Annex B by dividing the increase in average generation during the critical period by the average critical period load factor.

It can be argued and in fact was argued by the United States during negotiations that what the U.S. requires to keep reservoir levels at a maximum at such plants as Grand Coulee and Hungry Horse and to permit winter peaking operations at these plants, is a source of base load energy at 100% load factor during the period say from July to January. This energy can come from two sources: thermal plant and/or Canadian storage releases. The capacity value of Canadian storage therefore could be considered simply as the capacity required to deliver this energy at 100% load factor rather than at the average critical period load factor (about 70%) as required under the Treaty. The reduction in Canadian capacity entitlement under this method of calculation had it been accepted, and the argument is technically accurate, might have been as great as 25 per cent compared to that computed under the Treaty.

If the "peaking" which General McNaughton's statement refers to is daily or weekly peaking, this argument is covered by comment on paragraph 44 on page 13.

Statement: In the last sentence of paragraph 38 General McNaughton states

"There is no clause in the Treaty which gives Canada assurance as to the amount of downstream benefits to be received."

Comment: The Treaty by itself does not specify any assured amount of Canadian or United States downstream benefits, but it very definitely specifies how these benefits are to be determined. Estimates of these benefits have been computed on the basis of forecast conditions in the U.S. system. Such factors as the actual rate of the U.S. load growth and the relative size of the system's thermal component will, of course, affect the amount of these benefits at any particular time. The Attachment to the Protocol to the Treaty however, removes any risk which Canada might have had to accept under the Treaty itself. The payment to be made to Canada under that Attachment for the sale of Canada's downstream power benefit entitlement for 30 years is based on estimates of benefits very favourable to Canada and will more than cover Treaty costs including those costs which would be required in any event for generation in Canada. Therefore what risk there was to both countries in the Treaty regarding the amount of benefits which will actually flow from the Canadian storage has been transferred in its entirety to the United States.

Statement: In paragraph 39 General McNaughton refers to the Treaty use of the words "annual usable hydroelectric energy" as

...a play on the word *usable*...

He contends that under the I.J.C. Principles it was never intended to allow the United States to withdraw from the energy to be divided, that energy which could be sold to U.S. industries without the benefit of regulation by Canadian storage. He states

There is no mention of any such possibility in the relevant I.J.C. Power Principles, more particularly in Nos. 1, 2 and 3.

He adds

...this secondary generation is to be...firmed by Canadian storage release, and then sold as firm power in the increased amount and values produced by the Canadian storages but to the sole credit of the United States. The amount of this deprivation under the 'level and conditions of development' forecast for 1970 was stated by the U.S. negotiators in their report of October 19, 1960 as 379,000 kilowatt-years of prime-power.

Comment: Although General McNaughton refers "more particularly" to I.J.C. Power Principles Nos. 1, 2 and 3 as being "relevant", it is Power Principle No. 4 which most closely defines the power benefits. There is no record that the term "usable" was ever defined by the I.J.C. during formulation of Power Principle No. 4 and the interpretation which prevailed during the discussions was that "usable energy" included both "prime power" and "annual usable secondary hydroelectric energy". As Canadian storage "firms up" some of the U.S. secondary hydroelectric energy there is a gain in firm energy and a loss in the amount of salable secondary energy available. At no stage in the I.J.C. discussions or at any other time was there any agreement that only the increased prime power resulting from Canadian storage would be shared by U.S. and Canada without consideration of the loss of secondary power involved. The 379,000 kilowatt-years of prime power which General McNaughton refers to as a "deprivation" under the level and conditions of development forecast for 1970 is the secondary hydro power which the United States could already generate and sell without a Treaty, but which has been "firmed-up" in the United States through Canadian regulation at the High Arrow, Mica and Duncan reservoirs. As this "firmed-up" energy was salable without Canadian regulation it is not an energy benefit from Canadian storage. While it is true that it may be worth more to the United States in its firmed-up form, the I.J.C. Principles call for a division of the power benefits from storage, not economic benefits.

Statement: In paragraph 42, General McNaughton states in part that

... the U.S. negotiators, in their own statement to Congress, ... report that the first million kilowatt-years of their share of downstream benefits will be deliverable at their load centres for 0.95 mills per kilowatt-hour, while for Canada, the cost will be about 4.2 mills per kilowatt-hour. When Libby, ... is added to the U.S. system, the U.S. benefits will increase ... and the overall cost at their load centres will then be about 1.6 mills per kilowatt-hour, which is much less than the present cost of some 2.2 mills in the Bonneville system.

Comment: In making this comparison of U.S. and Canadian costs of the downstream benefit energy resulting from Canadian storage regulation, General McNaughton apparently is considering only the *incremental costs* required in each country to produce these benefits. He is completely disregarding the huge investment (amounting to some \$2,740,000,000, of which \$2,035,000,000 is Federal investment) which the United States has already made on the Columbia River main stem plants, and which in fact will produce most of the initial benefits. Only a very limited incremental investment under initial conditions would be needed in the United States to fully utilize the 15,000,000 acre-feet of Canadian storage to be built. It is because of this earlier investment in generating plant by the United States that Canada is able to secure immediate and immense benefits for its investment in the three Canadian Treaty projects. Moreover, the value of the Treaty projects will increase to Canada as operation of the storage, under the Treaty, become increasingly oriented to Canadian generation requirements; whereas, the value of Canadian storage to the United

States will decrease with the growth of its power system and the increasing amount of thermal capacity in that system, and at the same time the cost to them of the Treaty benefits will increase.

If in analysing the cost of the Treaty to Canada we also consider only the incremental costs which are in addition to the costs of a unilateral development within Canada it can be shown that the Treaty provides 1 to 2 mill power to Canada over the whole Treaty period, not just the initial stage as considered in the United States presentation.

Statement: In paragraph 41, General McNaughton refers to Article X of the Treaty whereby Canada is assessed for an east-west standby transmission service at a rate of \$1.50 per year for each kilowatt of Canada's downstream capacity entitlement. He states

This is estimated by Gibb to amount to \$1.9 million annually, and Montreal Engineering reports the service to be unnecessary.

His footnote "5" refers to

. . . a report prepared by the Montreal Engineering Company in May 1961 for the Department of Northern Affairs and National Resources, Ottawa.

Comment: Whether the standby charge of \$1.50 per KW is excessive for the benefit provided to Canada will depend upon the use that can be made of it. Canadian technical advisers were of the opinion that the standby service would eliminate the need for the construction and operation of a 345-kv. transmission line between Oliver and Vancouver. This line had been included in the estimates to guarantee firm power supply at Vancouver should one circuit in the Oliver-Vancouver line fail. This is consistent with good engineering practice. The annual cost of this line was estimated at \$1,920,000 over a 50-year amortization period. Under the standby arrangement of the Treaty, Canada's initial annual costs could be approximately \$2,000,000 but these would reduce as Canada's capacity benefits under the Treaty reduce, and would automatically be terminated when a mutually satisfactory electrical co-ordination arrangement is entered into or upon sale of Canada's benefits in the United States. It would appear, therefore, that the Canadian negotiators' approval of the standby charge not only resulted in U.S. agreement to pay for transmission costs to the Canadian border, but also provided a standby service over the period of the Treaty at a cost less than that possible within Canada.

Regarding Montreal Engineering Company's statement concerning the necessity of this standby service, the Company noted that the "design assumptions" used in their analysis are of basic importance. It is obvious that they differ from those of the advisers to the Canadian negotiators. When asked for an explanation, a Company official replied that their report had indicated that further studies on transmission would have to be made before the stability of the transmission system presented in the report could be verified. He pointed out that the assumptions made during Treaty negotiations on required transmission standby produce a more flexible and a more secure delivery of power than the type of system adopted in the Company's report. Whether or not the costs associated with the provision of this flexibility and safety of transmission will be actually warranted, will only be firmly established by further study.

In any event, the Protocol to the Treaty and the sales agreement for the first 30 years of operation under the Treaty remove the need of both the standby service and the service charge.

III FLOOD CONTROL

Paragraphs 24, 25, 31, 33, 49, 53 to 61, and 69 of General McNaughton's Article refer, either in whole or in part, to operation of Canadian storage for flood control. A review of paragraphs 25, 53, 54, 55 and 59 reveals that he is confusing primary flood control operation during the 60-year Treaty period with the additional or "secondary" flood control during the Treaty period and with flood control after the 60-year Treaty period. Canada's commitments differ with the different types of flood control. This is illustrated in the brief summary in tabulaar form on page 36 which shows the principal features of each country's obligations in regard to primary and secondary flood control operation during the 60-year Treaty period and the flood control operation after 60 years. This summary is not complete in detail. It is intended solely to serve as a simplified reference of the main provisions of flood control operation provided by the Treaty for use in assessing the statements made by General McNaughton.

The Protocol to the Treaty has not only clarified Canada's commitment to provide secondary flood control protection during the Treaty period and any flood control thereafter, but has protected Canada against any misuse of the flood control storage. The Protocol accomplishes this by means of the following conditions applicable against flood control calls under items 2 and 3 of the Summary Table.

- I (a) Any call for flood control will be submitted to the Canadian entity.
 - (b) The Canadian entity can accept, modify or reject the call.
 - (c) If the entities cannot agree on the call it is submitted to the Joint U.S.-Canada Engineering Board and the entites will abide by the judgement of the Board.
 - (d) If the Board does not agree the flood control must be honoured to ensure protection against possible loss of life or property damage.
- II (a) A call can be made during the Treaty period only if, after the asumed use of all (Columbia basin) U.S. storage existing on January 1961 plus Libby storage, plus primary Canadian storage, the Columbia River flow will still exceed 600,000 cfs at The Dalles, Oregon.
- (b) A call can be made after the Treaty period only if the flood at The Dalles would still exceed 600,000 cfs after the use of all storage existing in the United States (Columbia basin) at the termination of the Treaty period.

These conditions remove any possibility of the misuse of flood control storage which General McNaaughton feels the United States could attempt under the terms of the Treaty itself. They will also result in very infrequent calls on Canadian storage for flood control operation. The following are more detailed comments on General McNaughton's statements. They all deal with the Treaty itself and where the Protocol answers his criticism reference is made to these introductory paragraphs.

Statement: In paragraph 24 General McNaughton states in part that

"... the U.S. negotiators were able ... to arrange in the Treaty that effective control of the Canadian storages would be vested in the U.S. Entity ... for flood control.

Comment: During the 60-year Treaty period, two types of operation for flood control are provided for. The first is operation under an assured plan which

FLOOD CONTROL OPERATION OF CANADIAN STORAGE UNDER U.S.-CANADA TREATY AND PROTOCOL

Type of Operation	Degree of Protection	Period of Obligation	Amount of Storage Committed	Factors Governing Canadian Storage Operation	Corresponding United States Obligation to Canada
1. Assured Plan:					
	Primary (to 800,000 cfs) at The Dalles, Oregon	60 years	Up to 8,450,000 ac.ft. Comprising: 80,000 ac.ft. at Mica 7,100,000 ac.ft. at Arrow 1,270,000 ac.ft. at Duncan with provision for inter- change between Arrow and Mica.	Canada shall operate in accordance with operating plans under which: —evacuation of storage will be governed by storage reservation diagrams based on survey data under Annex A, paragraph 2. —Operation will be to minimize U.S. and Canadian flood damage. —refill of storage will be as requested by U.S. entity after consultation with Canadian entity.	\$64,400,000 (U.S.) \$69.6 million (Canadian) which is the capitalized value at 3-7/8% interest of one-half the annual benefits over the 60-year period.
2. Other Operation:					
	Secondary (below 800,000 cfs) at The Dalles, Oregon	60 years	Any additional storage in basin within limits of existing facilities.	Canada shall operate as required to meet flood control needs after the Canadian entity and/or the Permanent Engineering Board has considered the need. No calls for this storage can be made unless 1961 U.S. storage lobby storage and storage under Item 1 cannot control floods to 600,000 cfs at The Dalles.	\$1,875,000 (U.S.) for each of the first four calls made, plus electric power loss at Canadian plants in regard to each and every call made.
3. Operation after 60 years:	(Includes both primary and secondary protection)	As long as Columbia R. in Canada contributes to flood potential	Any storage in basin within limits of existing facilities.	Canada shall operate as required to meet flood control needs after the Canadian entity and/or the Permanent Engineering Board has considered the need. No calls for this storage can be made, unless all United States storage existing at the end of 60 years after ratification cannot control floods to 600,000 cfs at The Dalles.	Canadian operating cost in providing flood control plus Compensation for any Canadian economic loss resulting from provision of flood control (including any power losses).

is a specific requirement of the I.J.C. Flood Control Principle No. 1. Operation for flood control under the assured plan in the Treaty is limited to a total of 8,450,000 acre-feet of Canadian storage as specified in Article IV(2) (a) of the Treaty. Canada agrees to provide flood control storage up to this amount in accordance with storage reservation diagrams which are based upon the estimated flood flows determined from the survey data collected under Annex A, paragraph 2. This is a flood control service which Canada guarantees in accordance with the assured plan and for which Canada is paid \$64.4 million. However, this guarantee is limited first of all to the 8,450,000 acre-feet of Canadian storage and its provision is based upon the volumes of forecast runoff determined from actual survey data collected at snow courses, precipitation and streamflow gauging stations to be established specifically for detailed programming of flood control and power operations. Therefore, the storage reservation diagrams to which Canadian storage must adhere, must be consistent with actual flood control requirements dictated by flood conditions. Moreover, this obligation does not interfere with Canadian at-site generation because the flood control storage is concentrated at non-power producing dams.

The second type of flood control operation during the 60-year Treaty period, referred to in Article IV(2) (b) of the Treaty, is the operation of any additional storage in the basin within the limits of existing facilities, as the entity requires to meet flood control needs for the duration of the flood period for which the call is made. United States payment for this additional protection would be \$1,875,000 for each of the first four calls made plus electric power loss at Canadian plants in regard to each and every call made. This flood control as well as all flood control after the termination of the Treaty, for which Canada is reimbursed for any power or economic loss suffered, are not covered by the assured flood control plans outlined in Annex A as suggested repeatedly by General McNaughton. Canada's commitments concerning these types of flood control are clarified by the Protocol as set forth in the introductory paragraphs of this section on flood control.

Statement: Referring to the three Canadian Treaty storages in paragraph 31, General McNaughton states

The commitments for operation of these storages have been extended into the distant future in a way which is inimical to the interests...of Canadian flood control. Moreover in the management of these resources, the terms of the Treaty show specifically that the Canadian negotiators gave way to renewed U.S. pressure for integration under U.S. direction and control, not only during the life of the Treaty, but that this would be perpetuated in a particularly vicious form thereafter—forever—and would include within the U.S. grip not only the storages mentioned in the Treaty but all storages which Canada might ever construct in the Columbia River Basin.

Comment: Treaty commitments are not "inimical to the interests of Canadian flood control" either in the near or distant future. If the United States utilizes its option to develop Libby, early flood control benefits are provided in the Canadian Kootenay River Valley above Kootenay Lake. At the same time Canada may proceed with economic development of its projects as required. Moreover, "in the more distant future", Canada has the right under Article XIII of the Treaty to proceed with the maximum Kootenay River diversion scheme if such is found desirable. This is a clear right with no legal liability for recompense for resulting injury in the United States such as is incorporated in the diversion rights under the Boundary Waters Treaty. As for U.S. direction and control over the flood control storage the introductory paragraphs of this section on flood control indicate how the Protocol protects

Canada's interests against any "vicious" form of United States control over that storage.

Statement: From General McNaughton's statement in paragraph 53 it would appear that the subsequent paragraphs (54 to 61) dealing with flood control were intended to apply to Canadian storage operation for flood control after the 60-year Treaty period. However, in the first sentence of paragraph 55 he refers to paragraph 5 of Annex A of the Treaty which states in part that

...refill will be as requested by the United States entity after consultation with the Canadian entity.

and further in paragraph 55 he states in part that

...there is little doubt that...various provisions...for flood control will remain effective...forever. Among these, note in Annex A paragraph 5 that refill is to be as requested by the U.S. entity.

Comment: General McNaughton is confusing flood control operation after the 60-year Treaty period with that during the Treaty. Canada's obligation to refill "as requested by the United States entity after consultation" is a commitment under the assured plan and therefore it is applicable first of all only during the 60-year Treaty period and secondly, it is applicable only to 8,450,000 acre-feet of Canadian storage under the assured plan.

Statement: In paragraph 56 General McNaughton states that

... a 'flood control period' is not defined ... but the language of Article IV(3) clearly implies that the definition is left to the discretion of the United States in timing calls for flood control.

and in paragraph 60 he adds that

... the rights to be given to the United States Entity by Article IV(3) to operate existing facilities for flood control are *specific to a need* which is to be assessed and determined by the United States Entity.

In paragraph 59 he reveals how he feels the United States would misuse flood control operation by stating in part that

With control of evacuation and refill, the United States will be able to adjust the storage releases to satisfy their continuing requirements for peaking and for the maintenance of heads at their reservoirs and generating plants downstream.

and that

... they will be able to arrange ... that the Canadian reservoirs provide ... storage operation ... for flood control, nominally, but, with benefits to United States power as a by-product ...

In paragraph 61 he states that he does not believe that under the Treaty a call for flood control could be resisted and that

... for Canada to attempt to do so in conditions of flood hazard, real or alleged, would result in a dispute.

Comment: The comments on the Protocol which are given in the opening sentences of this section on flood control very effectively answer General McNaughton's claims. The Treaty itself protected Canada against misuse such as the General envisages. Under Article IV(3) of the Treaty (flood control after the 60-year Treaty period) Canada is obligated to operate its storages as the United States entity requires to meet flood control needs for the duration of the flood period for which the call is made. The United States therefore cannot call for flood control operation through some false pretense and use it to meet its power needs. None of the procedures applicable to the assured plan in Annex A apply to this storage and the existence of a true "need" by the

United States is a condition precedent to the obligation to provide the storage. Moreover, the United States will not be the sole judge of the "need" for the flood control requested. This is the sort of question which the Permanent Engineering Board could help to reconcile. The Protocol now makes this type of procedure mandatory.

If the United States were to request Canada to evacuate extra storage say in January to meet maximum load requirements, but on the pretext of an impending flood control need in the spring, Canada would not be obliged to evacuate this storage at the time required for United States power needs even if it did agree on the probable flood control need. Its obligation here would be only to meet the flood control need when it occurred. Therefore, General McNaughton's arguments in regard to unreal or alleged United States demands for flood control are unrealistic.

Although Canada does not share in the United States flood control benefits after the 60-year Treaty period it continues to receive payment for flood control operation based upon a true "need". It receives from the United States for each flood period, the operating costs of providing the required flood control *plus* compensation, in cash or in power, for any economic loss to Canada arising from this flood control operation.

Statement: In paragraph 69 General McNaughton presents a picture of a "... crushing burden ..." Canada will have to bear as a result of increasing interests in United States lower Columbia real estate and the guarantee by Canada to provide flood control in accordance with the Treaty. Also in paragraph 58 he states:

... this (real estate development in the flood plain) will raise the requirement for the operation of Canadian storage progressively both in frequency of demand and in the amount of storage to be evacuated ...

Comment: Under Article VI, paragraphs (3), (4) and (5), the United States is made responsible for damage in Canada resulting from the operation of Canadian storage for flood control in the United States. For the operation of additional storage in Canada for United States flood control during the first 60-year period (i.e. storage additional to that specified in the assured plan) Canada receives \$1,875,000 for each of the first four calls for such storage plus a return of the electric power loss for each and every call made. After 60 years Canada receives compensation to cover "operating costs" and "economic loss" for each flood period for which the United States requests flood control operation. The broadness of the term "economic loss" would certainly limit abuse of the flood control storage.

In any event, the Protocol as described in the opening paragraphs of this section not only sets forth the procedure for making calls, but places very definite restrictions as to when the United States can request Canadian flood control. These restrictions are such that calls for storage evacuation in Canada will be at infrequent intervals, particularly for storage evacuation over and above that which Canada would automatically make during its power operations.

If the United States does approach Canada at some time in the future to provide flood control in excess of the limits set by the Protocol, Canada is in a position to provide this at the Arrow Lakes reservoir with little or no expense to Canada. This type of operation would be the subject of negotiations at that time as would detailed power operation at the Arrow Lakes reservoir, and the benefits to Canada would be in addition to the Treaty benefit. Therefore if the United States future need for flood control will be as great as General McNaughton contends, Canada could receive very substantial benefits indeed from negotiations for this extra flood control.

IV SETTLEMENT OF DIFFERENCES AND LIABILITY FOR DAMAGE

(Refer to paragraphs 62 to 68)

Statement: In paragraphs 62 and 63 General McNaughton refers to Article XVI of the Treaty which provides for a binding settlement of differences under the Treaty, by the I.J.C. or other tribunal. In paragraph 63 he states in part that

These provisions are all essentially for the protection of the U.S. interests downstream . . .

Comment: Canada too derives protection from Article XVI of the Treaty under which it can refer differences to the I.J.C. for decision. For example, the amount of compensation due to Canada under Article VI(4)(b) for "economic loss" might be referred for decision.

Under Article XVIII, Canada, as the downstream country, derives protection from possible damage arising from any breach of the Treaty in regard to the U.S. developments on the Kootenay River.

Statement: In paragraph 64 General McNaughton refers to compensation for damage, specified in Article XVIII(5) of the Treaty, and suggests inadequate provision for settlement of a damage claim in the event of a breach of the Treaty in respect of operation for flood control.

Comment: It is difficult to visualize a problem or the circumstances of the breach of the Treaty that the General has in mind in regard to flood control operation, which could not be resolved under the provisions of Articles XIV, XV, XVI and XVIII of the Treaty.

Statement: In paragraph 65 General McNaughton states he has been advised that in settling a dispute.

. . . the I.J.C. or other alternative tribunal will naturally turn to the Preamble "(of the Treaty)" for an understanding of the intent of the parties as a basic consideration from which any points of difficulty in dispute in the various clauses will need to be resolved.

and in paragraph 66 he adds

In consequence . . . a call from the U.S. Entity for storage operation (either evacuation or refill) for the protection or advantage of the great and growing values in the lower Columbia '*for the welfare of their people*' is an order which Canada must *obey*. There would be no point in an appeal by Canada to the I.J.C. or other Tribunal . . .

Comment: It is understood that in interpreting a treaty when there is doubt as to the meaning of a specific provision, it would be appropriate for a tribunal to look to the purpose and meaning of the treaty as a whole and to seek to ascertain the intention of the parties. The preamble of a treaty may shed some light on this question. But the terms of the operative articles of a treaty will prevail where there is no doubt as to their meaning.

Paragraph 3 of the Treaty preamble refers to the development of resources "...in a manner that will make the largest contribution to the economic progress of both countries and to the welfare of their peoples . . .". It does not suggest that operation of works will be for the welfare of United States residents only and to the disadvantage of Canadians.

The only rights and obligations with respect to United States "calls" for flood control operation are clearly set forth in Article IV, paragraphs 2(b) and (3), of the Treaty and more particularly in the Protocol. It would appear

that the Permanent Engineering Board, I.J.C. or other tribunal could readily interpret these paragraphs effectively, without resort to the preamble of the Treaty. When a proper call is made in accordance with the terms of the Treaty and Protocol, Canada will be obliged to comply; however, in so doing it will be "saved harmless", under Article VI, paragraphs (3), (4) and (5), from operating costs and from economic loss resulting from the provision of the flood control operation called upon by the United States.

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HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 30

THURSDAY, JULY 9, 1964

Main Estimates and Supplementary Estimates (A) (1964-1965)
of the Department of External Affairs

Statement by the Honourable Paul Martin, Secretary of State
for External Affairs.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Brewin,	Fleming (Okanagan-	Langlois,
Brown,	Revelstoke),	Laprise,
Cadieux (Terrebonne),	Forest,	Leboe,
Cameron (High Park),	Gelber,	MacEwan,
Casselman (Mrs.),	Gray,	Macquarrie,
Chatterton,	Herridge,	Martineau,
Choquette,	Kindt,	Nixon,
Deachman,	Klein,	Nugent,
Dinsdale,	Knowles,	Patterson,
Dubé,	Konantz (Mrs.),	Pugh,
Fairweather,	Lachance,	Regan,
		Richard—35.

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

CORRECTION (English copy only)

PROCEEDINGS No. 28—Thursday, May 21, 1964.

In the Minutes of Proceedings and Evidence—

Page 1423, Line 16:

Amend "Increase" to read "Income".

Page 1424:

Table at top of page to be amended to read:

Income from this investment

Land (1st 10 years)— 5,000 acres	\$35.0 million
Land (2nd 10 years)—10,000 acres	70.0 million
Land (3rd 10 years)—15,000 acres	105.0 million
Land (next 30 years)—15,000 acres	315.0 million
Tourist income	120.0 million

Total income in 60 years

\$645.0 million

Benefit-cost ratio=645=9.9 to 1

ORDERS OF REFERENCE

WEDNESDAY, June 10, 1964.

Ordered,—That the name of Mr. Nugent be substituted for that of Mr. Willoughby on the Standing Committee on External Affairs.

TUESDAY, June 30, 1964.

Ordered,—That the name of Mr. Macquarrie be substituted for that of Mr. Nielsen on the Standing Committee on External Affairs.

FRIDAY, July 3, 1964.

Ordered,—That the Items listed in the Main Estimates and the Supplementary Estimates (A) for 1964-65, relating to the Department of External Affairs, presented to this House at the present session, be withdrawn from the Committee of Supply and referred to the Standing Committee on External Affairs, saving always the powers of the Committee of Supply in relation to the voting of public monies.

TUESDAY, July 7, 1964.

Ordered,—That the names of Messrs. Brown, Cameron (*High Park*), Choquette, Dubé, Gray, Lachance, Nixon, and Richard be substituted for those of Messrs. Basford, Byrne, Davis, Groos, Haidasz, Ryan, Stewart, and Turner respectively on the Standing Committee on External Affairs.

THURSDAY, July 9, 1964.

Ordered,—That the name of Mr. Knowles be substituted for that of Mr. Cameron (Nanaimo-Cowichan-The Islands) on the Standing Committee on External Affairs.

Attest

LEON-J. RAYMOND
The Clerk of the House.

MINUTES OF PROCEEDINGS

THURSDAY, July 9, 1964.
(54)

The Standing Committee on External Affairs met at 4:10 p.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Messrs. Brewin, Brown, Cameron (*High Park*), Choquette, Dinsdale, Fleming (*Okanagan-Revelstoke*), Gelber, Herridge, Kindt, Klein, Knowles, Konantz (Mrs.), MacEwan, Matheson, Nesbitt, Patterson and Regan (17).

In attendance: The Hon. Paul Martin, Secretary of State for External Affairs.

At the request of the Chairman, the Clerk read the Order of Reference dated July 3, 1964.

The Chairman called the first item of the estimates of the Department of External Affairs:

1. Departmental Administration . . . \$10,826,300 and invited the Minister to make an opening statement.

The Minister outlined various aspects of the international situation, and was questioned.

Mr. Herridge asked that certain corrections be made to Issue No. 28, dated May 21, 1964, of the Minutes of Proceedings and Evidence. The Committee agreed to the corrections. (*See inside front cover.*)

At 6:00 p.m. the Committee adjourned until 8:00 p.m. this date.

EVENING SITTING

(55)

The Standing Committee on External Affairs reconvened at 8:10 p.m. this date, the Chairman, Mr. Matheson, presiding.

Members present: Messrs. Brewin, Cameron (*High Park*), Deachman, Dinsdale, Fleming (*Okanagan-Revelstoke*), Gelber, Gray, Herridge, Kindt, Klein, Knowles, Konantz (Mrs.), Lachance, MacEwan, Macquarrie, Matheson, Nesbitt, Nixon, Patterson, Regan and Richard (21).

In attendance: The Hon. Paul Martin, Secretary of State for External Affairs.

Questioning of the Minister was continued.

The questioning continuing, it was agreed that the Chairman would call the next meeting, probably early next week, after consultation with the Minister and Departmental officials.

At 9:55 p.m. the Committee adjourned to the call of the Chair.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

THURSDAY, July 9, 1964.

The CHAIRMAN: Gentlemen, I see a quorum. I will ask our secretary to kindly read the order of reference.

The COMMITTEE CLERK: Order of reference dated July 3, 1964:

Ordered—That the items listed in the main estimates and the supplementary estimates (A) for 1964-65, relating to the Department of External Affairs, presented to this house at the present session, be withdrawn from the committee of supply and referred to the standing committee on external affairs, saving always the powers of the committee of supply in relation to the voting of public moneys.

The CHAIRMAN: Thank you.

I will now call the first item in the estimates for the Department of External Affairs.

DEPARTMENT OF EXTERNAL AFFAIRS

1 Administration, operation and maintenance including payment of remuneration, subject to the approval of the governor in council and notwithstanding the Civil Service Act, in connection with the assignment by the Canadian government of Canadians to the staffs of the international organizations detailed in the estimates (part recoverable from those organizations) and authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of those organizations of such expenses, and authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of commissioners (international commissions for supervision and control in Indo-China), Secretaries and staff by the governor in council; official hospitality; relief and repatriation of distressed Canadian citizens abroad and their dependants and reimbursement of the United Kingdom for relief expenditures incurred by its diplomatic and consular posts on Canadian account (part recoverable); Canadian representation at international conferences; expenses of the third commonwealth education conference; a cultural relations and academic exchange program with the French community, and grants as detailed in the estimates

10,826,300

The CHAIRMAN: I will ask the Hon. Paul Martin, Secretary of State for External Affairs, to make an opening statement.

Hon. PAUL MARTIN (*Secretary of State for External Affairs*): Mr. Chairman and gentlemen of the committee, if it is agreeable, I propose—as I did last year—to begin by making a statement with regard to the general situation since I made my statement in the house about six weeks ago. Then I am prepared to make a statement with regard to the situation in Cyprus, if this is the wish of the committee, or I would be prepared to answer questions first. I would prefer the course I have suggested, because I think it might be more orderly.

The CHAIRMAN: Is that agreed?

Agreed.

Mr. MARTIN (*Essex East*): First of all, may I take this opportunity of saying a few words of appreciation concerning Mr. Norman Robertson, the under secretary of state for external affairs at the time I took over this responsibility. He has since taken on another assignment and has been succeeded in the post of under secretary of state for external affairs by Mr. Marcel Cadieux.

Mr. Robertson has had one of the most notable careers among Canada's public servants, particularly in the field of external affairs. Indeed, as everyone on this committee knows, he has had a very distinguished record. I would not want his leaving of his post as undersecretary to go unnoticed. Mr. Robertson has given 35 years service to Canada. Following a brilliant academic career,

The present problem in Indochina interests us because for ten years we have served on the international control commissions in Vietnam, in Cambodia and in Laos at considerable expense to our personnel, both political and military, as well as at considerable expense to the Canadian taxpayer.

The present problem in Indochina has its origin in the unwillingness of the North Vietnamese and Chinese to recognize the Geneva Agreement of 1954—about which the secretary general of the United Nations made a declaration yesterday—and the Geneva agreement of 1962 were agreements which I believe if faithfully carried out would have protected the legitimate rights of all sides by removing the region from the politics of the cold war. The task now is to make those agreements work: in Vietnam, to put an end to the interference from the north which has been the motivating force behind the war in the south; and in Laos, to build a truly neutral and independent state which would be a threat to no country, least of all China.

In Laos—a country of a million and a half people, the smallest of the three—we are told by the communist side, following their repeated breaches of the ceasefire and their refusal to co-operate with a government of national union, that it is now necessary to convene a further conference. It is not clear to me what this conference could do which was not already done by that of 1962. This is not necessarily the position of other western powers, but as Canada sees it, there were commitments made in 1954 and 1962, and if these commitments were observed or lived up to there would be no need for a conference. I can see no need for either a conference on Laos or a wider conference. What I do see as the way to solve this problem is for all parties concerned to live up to the agreements of 1954 and 1962. However, if it should be decided, as Poland has proposed, that a conference should take place on Laos, we would be prepared to participate. This would apply, of course, to a wider conference such as has been proposed by France and by the Soviet Union, and as was urged yesterday by the Secretary General, U. Thant.

In Vietnam there is no need for a new agreement to call a halt to the civil war. The agreement already exists; it is now almost ten years old. The responsibility of North Vietnam for fomenting rebellion in the south was condemned two years ago by an international commission on which Canada, Poland and India serve but this has not prevented a steadily rising increase in the pace of North Vietnamese support of the rebellion. With this sorry record of communist unwillingness to co-operate in Laos, I do not think it is surprising that we now are wary of proposals implying that neutralization may be a possible solution in Vietnam which is, of the three countries, the largest and the one that is divided.

The situation is more serious than it has been for some time. It could lead to a great crisis. It need not lead to a crisis, however, unless the North Vietnamese and their friends underestimate the firmness of the intentions of the United States government. The United States has stated publicly and confirmed privately that it seeks no selfish advantage in Vietnam—no territory and no bases. It seeks only the consolidation of a government free from outside attack and at liberty to determine its own future. If Hanoi and Peking do not accept this objective as a legitimate one, the risk is that they may, in pursuing expansionist aims, provoke a dangerous confrontation.

It seems to me that the developments we have been witnessing in south-east Asia in recent months bring into particularly sharp focus the considerable importance we must continue to attach to finding a way out of the impasse in relation between the west and communist China. If communist China would make a clear and positive gesture of moderation and of a desire to co-operate in a genuine search for neutrality for southeast Asia, I believe that they will meet with a generous western response.

So far as Canada is concerned, we are certainly determined to do what we can to hasten an improvement in Chinese relations with the west, and particularly with the United States, since after all it is the state of Sino-American relations which may prove to be of first importance in the context of world peace.

Canada has limited opportunities, but it has opportunities in this particular area. It is not anxious to accept additional obligations nor will it shirk responsibilities which may be imposed on it; but I may say we are not anxious to continue participating in these international control commissions in Indochina if it is thought that they have served their purpose, or that they have not been fully efficient.

The other day Mr. Adlai Stevenson in the security council, when the question of the Vietnamese and Cambodian borders were under discussion, observed that the commissions had outlived their usefulness and that some other vehicle should be provided to deal with that particular situation. If it is thought that the commissions still can serve a useful purpose, Canada will accept its responsibilities; but I want to repeat, we are not anxious to carry on an undertaking if it is thought that the operation is not a useful one.

One of the reasons the commissions have not been fully successful, we believe, is attributable to the fact that one of the parties has insisted that no action be taken by the commission except on the basis of a unanimous decision among the three members of the commission. We have felt—and this is particularly true in the case of Laos—that unless the commission could operate on the basis of a majority decision, it is simply not possible to meet the problems that face the commission. The attitude taken by Poland in this regard made difficult the operation of the work of the commission there.

The committee will recall that about three months ago I made a special appeal to Poland to understand the difficulty under which the commission was operating, particularly in Laos.

Well, Mr. Chairman, that is a hurried and general statement with regard to an appreciation since May 22. I do not know whether or not you wish me to stop at this point so that questions may be asked.

The CHAIRMAN: Is it the pleasure of the committee that we commence questioning at this stage, or rather that we proceed to have the full statement by Mr. Martin, and then to follow it with a line of questioning in respect of each part?

Mr. NESBITT: I think it would be preferable to hear all the minister's statement and then perhaps some of the questions which might otherwise be asked might be found to have been covered by the minister in the remainder of his statement. I think it would be advisable if he gave us all the information, and perhaps some on Malaysia as well.

The CHAIRMAN: Is it agreed?

Agreed.

Mr. MARTIN (*Essex East*): I had not thought of dealing specifically with Malaysia. I could not add anything at this time to what I said in the house today. The question of Malaysia is now before the prime ministers' conference. Any bilateral problem arising out of the situation in Malaysia and the difficulty it is having with Indonesia will be discussed between the Prime Minister and prime minister Tunku Abdul Rahman of Malaysia in London. There will be further discussion here at the beginning of the week after next when Tunku Abdul Rahman comes to have some talks with us.

Mr. NESBITT: Perhaps the minister would be in a better position at a later date to make his statement.

X Mr. MARTIN (*Essex East*): There are now under way very important discussions in connection with Cyprus. Tomorrow the representatives of the governments of Greece and Turkey will meet with the United Nations mediator. I believe it would be more helpful if I were to refrain from any really specific comments on Cyprus, in view of this, except to say that we feel—and I am sure that the members have noted the statement of the retiring commander, General Gyani—that the United Nations force is playing and has played a very important role in the situation in Cyprus. If it had not been for the establishment of the United Nations forces in Cyprus we might well have had war—and I am putting it by way of understatement. If it had not been for the decision that we took along with Finland, Sweden, and Ireland, within the period of two days from March 13, that might well have happened. Indeed, as is publicly known, the government of Turkey had given notice of its intention to intervene at that time.

In making my statement on Cyprus it will have to be understood, whatever may be the regrets, complaints, or criticisms, that one holding my position cannot, if he wants to discharge his responsibility properly, disclose the nature of negotiations which are under way, and I do not propose under any circumstances to do that.

I want to see—and I am sure we all want to see—peace restored to that island. We knew when we went into Cyprus that it was going to be a difficult job. I propose to indicate that that was the view of most of us in the House of Commons when we decided, pursuant to our obligations to the charter, to accept this responsibility.

It is ironical that after Indochina the other potential flashpoint of major conflict to-day should centre on the island of Cyprus, an island which has been until now relatively free from the current of the cold war. It is even more ironical that two of our allies should be so heavily involved in this dispute as to cause a grave threat to the integrity of the North Atlantic alliance and to peace in the Mediterranean.

It is nearly four months since the parliament of Canada approved almost unanimously a resolution authorizing participation of Canadian forces in the international force on Cyprus. I believe that this was a sensible decision, and I believe that if we had to do it all over again, I would recommend the same decision, because what is the alternative? If the United Nations had not gone in under its responsibility for preserving peace, there would have been intervention, inevitably, from private national sources, and that, I contend, is contrary to the desired development of international relations in the interdependent nuclear age in which we live.

Our decision demonstrated once again the willingness of Canada to support the United Nations in its efforts to maintain peace through emergency action where small fires must be contained lest they become wider conflagrations.

That decision was not taken lightly. It was recognized by all parties that the task of keeping the peace is not an easy one, and that the lot of a policeman is often not a happy one. I think it will be well that we should recall the attitude of some of the spokesmen of the various political parties in our parliament who supported this resolution.

The right hon. Leader of the Opposition, who has long supported the idea and objectives of the United Nations, said that for his party the position had been made perfectly clear on more than one occasion, and that it was not necessary to go into any detail concerning its support of the concept of peace keeping. He noted that since the establishment of the United Nations in 1945, his party had taken the stand that the prime task of responsible members of the United Nations is that each and all of us shall discharge our respective responsibilities to the United Nations, and thereby assure that institution's ability to carry out its objectives, its purposes and its aims.

Then, on the same occasion, the member for Burnaby-Coquitlam made the following realistic assessment, which I believe is still valid and which I commend to the careful attention of the Committee. He said:

I want to say in passing this motion neither we in this house nor the Canadian people ought to have any illusions about what we are doing. I think we have to recognize that we are assuming a hazardous, thankless and discouraging task. We have to be prepared for a long and difficult assignment in which lives may be lost.

And I would put by way of parenthesis that happily this has not eventuated. Then he continued:

Moreover, the role we play may be an unpopular one. Nobody ever made friends by interfering in a family fight. I hope we recognize that this will be an arduous and a dangerous task and that we ought not to go into it without weighing all its aspects. We should go into it with our eyes open and our resolve high.

Then the member for Fraser Valley, who is a member of this Committee, said:

... I want to assure the house that we are supporting the resolution which has been presented by the Prime Minister, and we express the hope and prayer that this action will assist the solution of this immediate problem and contribute to the maintenance of peace in Cyprus and also in the world at large.

And then the member for Lapointe said:

... I must tell you that I am very happy to see that the motion under consideration will be adopted this very night and that Canadians will be able to do their share as men of peace and good will, so that peace may be restored throughout the world and it may be said that we helped avoid a greater disaster.

The volume of inquiry directed to this question, the problem of Cyprus, must be accepted, I think, as a sincere manifestation of the concern of the Canadian people respecting the safety and effectiveness of the Canadian troops who have been sent 5,000 miles away to help to preserve peace. But it is also a reflection of doubt that the United Nations and we, as stalwart supporters of that organization are, in the words of a member of this house, being played for suckers. In my view and in the view of the government such is certainly not the case, and I feel that I should state it. That is not to mean that we do not face a difficult situation. But we knew what we were doing.

Our action was part of the process of building international peace machinery which ultimately is the only way by which this world can be kept at peace. We must look upon the Cyprus situation as we looked upon the Congo, which was a more difficult operation, as being an inevitable phase in transition in trying to keep for the international community the authority of maintaining justice rather than leaving it in the hands of individual powers, great or small. I know of nothing nobler, nothing more worth while for the defence forces of our country to undertake than the task of trying to build the peace even in the midst of the complicated and difficult situation that prevails in a situation like that now faced in Cyprus.

To begin with, we should remember the limitations which, by their very nature, are imposed on any international peace keeping force directed by the United Nations. The United Nations force on Cyprus, in which our troops are playing a commendable role—and I would ask you to look at what General Gyani said about this yesterday—is not an occupation force sent into the island to take over all the sovereign rights of an independent country. It should be

remembered that the United Nations force was dispatched, to carry out its peace keeping task on the island, with the consent and with the approval of the government of Cyprus, and that its responsibilities and obligations are limited by the terms of the security council resolution of March 4.

It will be recalled that the functions of the force as defined in that resolution, should be in the interest of preserving international peace and security; that it should use its best efforts to prevent the recurrence of fighting, and as necessary contribute to the maintenance and restoration of law and order and a return to normal conditions.

Yesterday Mr. Galo Plaza and the retiring general Gyani were able to announce that a buffer zone had been agreed upon between the two communities and indeed that one of them, even before this announcement, had been prepared voluntarily to take the course that has been taken. There will be a disarming by the United Nations troops within this area of anyone other than members of the United Nations force.

Now, obviously the function of the force, as defined in the terms of the security council resolution, is not to usurp the powers and the responsibilities of the government of Cyprus and by force of arms to impose peace on the two warring communities. It is because this is not fully appreciated that sometimes it is difficult to understand the reasons why the effort of keeping the peace has moved so slowly on Cyprus. We had the same problem for four years in the Congo, and we should not forget this. However, difficult as the Congo operation was, no one today, looking back on that very difficult exercise, can help but say that it was part of the inevitable and necessary experience on the part of the international community in its efforts to prevent war. In the same way violence was prevented in individual communities in historical times by justice assumed and imposed by the community instead of by aggrieved individuals.

The function of the force on the island of Cyprus is clearly that of a peace keeping body nothing more. It is not that of a heavy-handed army, determined to impose its will on a sovereign people regardless of its wishes. This is one of the points that I made the other day when I saw the prime minister of Turkey and the prime minister of Greece and when I told them that Canada believed the force was not in there to impose a solution, not in there to take sides, but to assist in trying to keep the peace. It was with that as a background that I urged, for the third time, as spokesman for Canada, that they should not take any action that would in any way complicate or make more difficult the role of the peace force. Yesterday, as you will recall, the Secretary General, U Thant, made an appeal again to Turkey and Greece asking them to exercise every moderating influence that they could. He said that he proposes to report the response made to his appeal to the security council, noting, at the same time that Mr. Tuomioja, the Finnish diplomat, will be meeting tomorrow with both sides, and that the representatives of other interested countries are there to participate both in respect of what the secretary general calls the long term and the short term aspects of this difficult question of Cyprus.

With these fundamental situations before us, there are three avenues of approach which, as major contributors to the force on Cyprus, we might consider. First, we might take the view that it is mandatory for the two communities on Cyprus to follow the instructions and directives of the United Nations commander with the result that internal security and national defence would be fully controlled and directed by the United Nations command. This would in effect constitute abrogation of national responsibility in the essential fields constituting independence, and it has been made abundantly clear that both Archbishop Makarios as President of Cyprus and Vice President Kuchuk are no more willing to do this than most leaders would be.

The second course open to the United Nations, and to the countries which truly believe in the peace keeping potential of that world organization, is to accept to the full implications of the security council resolution and to endorse the present approach of the United Nations on Cyprus. This approach, under the direction of that dedicated international servant, U Thant, follows the course of negotiation and compromise—a sometimes frustrating, irritating and occasionally a humiliating way of waging peace. But there it is. However, if our goals can be achieved in this way, without needless bloodshed and suffering—and I would point out that the bloodshed and suffering on the island within the past four weeks has been very minimal—patience and self-restraint by all directly concerned I think is a small price to pay. Now, this is not an easy role for any government to endorse, and it is not an easy role for us to endorse, but all men of good will must admit that the principle is sound even if the application is difficult. We heard such questions at the beginning as “Why don’t they shoot?” The United Nations did not go there to shoot. It went there to keep the peace, and as the secretary general of the United Nations said right at this table, to shoot would have been to do the very thing the force was established to prevent. Perhaps I should remind the members that at times those who are far from the scene of bitter strife on that unhappy island find it difficult to restrain their distress over the incidents which occur.

What I am trying to explain is that the suggestion is often made that the UN forces should not hesitate to shoot. I am simply saying they were not sent there for that purpose. The force was sent there to keep peace. This does not mean that there are not occasions when it yet might have to, but the initiative must not be that of the United Nations.

We have a third alternative, and this is obviously the easiest one. In simple terms this is to say that if the protagonists refuse to obey the orders of the United Nations and will not negotiate on our terms, we could withdraw our troops. This has been suggested. However despite some recent statements, and some of the comments that I have heard from time to time—but not very widely because the dominant view is otherwise—I do not believe the Canadian people would wish to initiate a move which would create a tragic failure for the United Nations and constitute a setback to one of the most promising chapters in mankind’s long search for a means of preventing war, the role of the United Nations in keeping the peace. If that course had been taken in the Gaza strip, if that course had been taken in Lebanon in the observation group in 1958, if that course had been taken in Indochina, if that course had been taken a year ago in June, we would not have had this peace keeping role of the UN. If it had been taken in the Congo there would not in all probability, be a United Nations and we certainly would not be talking of peace keeping. We would go back to the old international methods of the jungle which was the way peace was kept up until we established the United Nations in 1945.

I do not know that I can add much more to that than this. We know that this is a difficult problem, that a political solution is one that rests with the mediator who has full authority to make an interim or a final report. He is now conducting a very important series of talks in Geneva. These will have their formal beginning tomorrow, and we can only hope that out of all these difficulties a solution will be made available to us.

We must remember that it is the United Nations that directs the course of the United Nations peace force, it is not the government of Canada. The government of Canada decided to commit its stand-by unit to the force, but as long as it is under the force, under the commander, and under the authority of the United Nations the United Nations authorities are responsible. This does not of course mean that the government of Canada cannot make recommendations to the United Nations. It does not mean that recommendations are not

being made. There is the fullest consultation almost every day in this matter with the United Nations, and with all participating countries. There is also the fullest consultation continually proceeding in other bodies such as NATO, but the final responsibility is one that rests with the secretary general pursuant to the powers given to him under the security council.

That is the preliminary statement I would like to make.

Mr. NESBITT: I am just wondering, before we start any questioning by members of the committee, if a course of action might not be decided upon which would make questioning more orderly. I know that I for instance have quite a number of questions which I would like to ask the minister in a variety of fields, and I imagine other members of the committee have the same intention. I was wondering what the best procedure might be. Would it be the best procedure for one member to take the floor and ask a whole series of questions all over the field or would it be better to restrict questions to one topic at a time?

The CHAIRMAN: Would it be agreeable to follow one topic at a time in the order in which this statement has been presented? I think the first international situation considered in depth was the problem relating to Laos and Vietnam.

Mr. PATTERSON: Mr. Chairman, I have just one question. The minister has been giving an outline of peace keeping operations. He referred to Indo-china and Cyprus, and so on. I wonder if he could bring the committee up to date on the situation in the Gaza as far as our peace keeping operations there are concerned.

Mr. MARTIN: Yes.

Mr. PATTERSON: Would this be the convenient time to do that?

Mr. MARTIN: I would be very happy to do that.

The United Nations emergency force, as that body is known, has been in being now for ten years. That it is a successful operation is evidenced by the fact that last fall, when there was some suggestion of a diminution of the force, both the United Arab Republic and Israel made strong representations to the United Nations, and indeed to some of the participating governments, that there should be no reduction in the force. They both regard this as a very important means of pacification, which it is. When one considers this result compared with the situation which prevailed at the time it was established, one will realize how important this technique has become for dealing with preserving the peace. That force is continuing, and I can foresee no specific time when its operations will end.

Mr. PATTERSON: That is rather discouraging, is it not?

Mr. MARTIN: I do not say it will never end but that I see no time when it will end.

The CHAIRMAN: The suggestion has been put to me by Mr. Brewin that we should reconvene at eight o'clock if this is agreeable to the secretary of state and, perhaps, that we should continue now until six o'clock. Certain members have to leave to participate in the house in the next hour. If that is agreeable to the members I will arrange for notices to go out.

We will be meeting again, Mr. Brewin, at eight o'clock, when you will be given first consideration.

Mr. PATTERSON: I was just wondering whether the proceedings at eight o'clock are not more important than the proceedings from now until six o'clock in the house. They will be reverting to the dominion-provincial fiscal arrangements, and it seems to me that that is important.

Mr. MARTIN: Let us sit from nine o'clock until ten tomorrow morning.

Mr. PATTERSON: Was the idea that we should adjourn now?

The CHAIRMAN: The idea was that we should continue until six o'clock and reconvene at eight.

Mr. PATTERSON: That is agreeable to me. I had misunderstood that and thought you meant to adjourn now.

The CHAIRMAN: Have you any questions you would like to put before you leave, Mr. Brewin?

Mr. BREWIN: No.

Mr. GELBER: Are there any copies of the statement available for the members of the committee?

Mr. MARTIN: Yes.

The CHAIRMAN: Mr. Herridge.

Mr. HERRIDGE: Mr. Chairman, I am very interested in the minister's remarks with respect to Vietnam. I have three questions I would like to ask. The minister mentioned the circumstances that exist there. Would one not be justified, in view of the recent developments in Vietnam, in saying that the United States armed forces are there not with the consent of the people but on the invitation of the ruling classes, which have been most inept to date.

Mr. MARTIN: No, I would not agree with that statement. This does not mean that I fully concur in all aspects of what has been done. The United States is in there at the instance of an invitation extended to them first from the Diem government, an invitation that has been revived by successive governments. That is the fact.

Mr. HERRIDGE: In view of statements made in the United States, to which you have referred obliquely, shall I say, during this pre-election period, without having any real consultation with its neighbours, does Canada not find itself in the position of having continuously to make excuses for these statements, which verge on brinkmanship at times?

Mr. MARTIN: I do not want to comment on statements made by individual political leaders in the United States; that is not going to be helpful.

Mr. HERRIDGE: I am referring to statements made by the President of the United States.

Mr. MARTIN: The Canadian government believes that the United States is in Vietnam at the instance of the properly constituted authority of the area.

Mr. HERRIDGE: With the consent of the people?

Mr. MARTIN: All we can deal with are governments and there is a government there now which is functioning, which is the government of the country. I have no way of knowing whether the government, for instance, of Mao Tse Tung is there with the consent of the people of China. I know that it is the government of China. I do not know whether the government of Chairman Khrushchev is there with the consent and approval of all who live in the Soviet union, but that it is the government of the Soviet union. That is the only response I can give you.

Mr. HERRIDGE: But we are not intervening in these countries, Mr. Martin.

Mr. MARTIN: No, we have no military involvement there at all.

Mr. HERRIDGE: We have no responsibility.

Mr. MARTIN: We have a big responsibility on the commission. We are a member of the international control commission.

Mr. HERRIDGE: Why has this operation in Vietnam never been brought under the jurisdiction of United Nations?

Mr. MARTIN: In the first place, one has to go back to the incidents of 1954. Indochina was part of the colonial empire of France. We all recall the insurgencies that took place and that led to the convening of the Geneva conference

of 1954. The nations assembled there, including communist China, agreed to the partitioning of the area into four units, North and South Vietnam, Cambodia and Laos. The divisions took place on the basis of an agreement which is called the Geneva accord. The Geneva accord has not been fully lived up to in Vietnam. You have a divided country, a country with a large population—I think it is 17 million in the north and 14 million in south Vietnam—a country that is divided and where there has been, almost ever since Geneva of 1954, not only a division but conflict. It was intended by the Geneva accord that elections would be held leading to the unification of the country. The role of the commission in this context, of course, is set out in the Geneva accord itself. However, unfortunately, there has been continuous fighting ever since then between North and South Vietnam.

Mr. HERRIDGE: Does the government of Canada support the policy of the United States with respect to Vietnam?

Mr. MARTIN: The government of the United States, in the opinion of the government of Canada, is correct in the contentions it makes with regard to the violations of the Geneva accord. The situation in Laos and the situation in Cambodia, we believe, can best be settled at the present time by pursuing a policy of neutralization. This was the situation in Laos until very recently when the Pathet Lao have been able to drive the forces of the government of Souvannah Phouma almost to the border of Thailand. There has never been any question about the desirability of a neutral policy in Cambodia. There is no doubt in my mind that, given unification in Vietnam, a policy of neutrality is desirable there too. But to talk about neutralization at the present time in Vietnam with the conditions that now prevail, in my judgment, is not practicable.

I want to make it clear that Canada has not been asked to undertake any military assignment in Vietnam, and any military obligation that we would assume would only be pursuant to any obligation that we have under United Nations. We are giving some external aid assistance to Vietnam, and we are giving some consideration now to increasing that aid to Vietnam. We also, of course, give external aid assistance on a limited scale to Cambodia and to Laos.

I support strongly the statement of the secretary general of the United Nations. I hope this problem in Indochina can be resolved peacefully and that Canada, as one member of the 1962 group—we were not a member of the 1954 accord—will do all that it can as a member of the 14 powers to bring about a settlement through pacific means rather than through any course that could involve the use of force.

Mr. GELBER: Mr. Martin, in commenting upon the statement of Adlai Stevenson I understood you to say that it was thought that Canada's service on the truce commissions—and only the truce commissions themselves—were not useful and that Canada is prepared to withdraw. It is thought by whom? By the 14 member nations or the principal allies?

Mr. MARTIN: Yes, by the 14. The Geneva accord, as you know, Mr. Gelber, is not a creation of United Nations; it is a creation of the original powers that met in Geneva. If this group is of the opinion that the commission is not an efficient body and not worth keeping, then we certainly do not want to keep going. We ourselves have repeatedly said that we found it was a difficult assignment and we complained, as my predecessors complained and as I have complained, about the lack of collaboration from time to time by other members of the commission which rendered our task more difficult. However, we were not anxious to accept this assignment, but we are prepared to continue to accept it if it is thought that this will be a desirable and useful way in which to provide for some means of keeping the situation in line.

Mr. NESBITT: Since, Mr. Chairman, we are going to ask the minister questions in the order in which he dealt with the subjects in his remarks—which I think is a very good decision—I would like to ask the minister a question first of all concerning Vietnam, and then I have three questions which I would like to put to him on topics which he did not cover in his remarks. Perhaps he might deal briefly with them.

I wish to put the question dealing with Vietnam in view of Canada's interest in this area, and in view of the fact that the minister, as I recall, just said that he was hoping that Canada might be helpful in improving relations between the Chinese government in Peking and the United States. Perhaps one of the problems which China faces—and when I say China I mean Peking China—is what the minister, I believe, referred to as the isolation of China from the west. Is the government contemplating any change in its relationship and its formal diplomatic situation with Peking and China at the present time. Is the government considering, perhaps, full recognition, or is there some quasi type of recognition being contemplated at the present time? In view of the minister's remarks, I wondered if that was being contemplated.

Mr. MARTIN (*Essex East*): On May 22 I made a fairly comprehensive statement on this and the situation is as I stated it in the House of Commons on that date.

Mr. NESBITT: And, there has been no change?

Mr. MARTIN (*Essex East*): No. That is our position.

Mr. NESBITT: Then, I would take it that at the present time it is not contemplated making any formal changes in diplomatic relations.

Mr. MARTIN (*Essex East*): I have nothing to add to what I said in the House of Commons on May 22. It was a carefully considered appreciation of our position, and that is it.

The CHAIRMAN: Before Mr. Nesbitt proceeds—

Mr. MARTIN (*Essex East*): I would be happy, if you wanted to pursue this, if you could take a look at it. I do not mind discussing it with you, but that is our policy, as stated there.

The CHAIRMAN: Before Mr. Nesbitt goes to the other points which he has in mind and which he considers to be fresh points—

Mr. NESBITT: They were just remarks in respect of subjects the minister had not covered, upon which I would ask him to make a statement. This might facilitate questions from others members.

The CHAIRMAN: Are there any other questions on this general area of Laos?

Mr. GELBER: I would like to ask about Indochina. If Mr. Nesbitt is going to deal with that, all right.

The CHAIRMAN: Would it be helpful if perhaps Mr. Nesbitt during the dinner hour refreshed his memory with the precise language of that statement and then we could revert to this topic at 8 o'clock. Would that be all right?

Mr. PATTERSON: I thought the understanding was that we would proceed in the order in which the minister dealt with the various matters.

The CHAIRMAN: Yes, that is correct. Have you a point in that connection?

Mr. PATTERSON: Do we start with Indochina?

The CHAIRMAN: If you feel we are jumping beyond where we started would you like to go back?

Mr. PATTERSON: Mr. Martin dealt first with east-west relations and then he went on to peace keeping and disarmament and peacekeeping in the other areas. I was wondering where we are going to go from Indochina?

The CHAIRMAN: I am wondering if I have taken this away from Mr. Nesbitt. I did not intend to do that.

Did you have any other questions on Vietnam?

Mr. NESBITT: No, I did not. However, there were three areas that the minister did not prefer to cover and where the situation, I think it is safe to say, has changed since he made this statement to the house. I was going to ask if he would care to make some comments on these three areas, which would facilitate questioning by other members.

The CHAIRMAN: Is that agreed upon at this stage?

Some hon. MEMBERS: Agreed.

Mr. NESBITT: The areas concerned are as follows: First, there is the question of British Guiana and I know members of the committee are aware of the fact that the situation certainly has worsened in that area. I think it is well known that the United Kingdom is sorely strained in its use of troops throughout the world. It has been suggested in the British press and I have seen it mentioned in the American press that Canada might be contemplating lending some assistance in the form of perhaps some military assistance or police keeping machinery in British Guiana.

The second concerns the question of a peace keeping conference, which we have heard about lately. Mention has been made that it might be held here in Ottawa later on this year. I wondered if the minister cared to elaborate on that. In this way it might save asking some questions later on.

The third thing I had in mind was the question of the organization of American states. During the minister's statement, or perhaps during the course of my remarks in the house on that last debate, I brought this subject up and the minister, as I recall, intervened in these remarks and suggested that perhaps some matter was under consideration at the time and perhaps it was contemplated—at least, I gathered this from his remarks—that Canada might be intending to send someone to the next meeting of the organization to act as sort of an observer for a while to see how things went. I wondered if he would care to make some remarks on these matters.

Mr. MARTIN (*Essex East*): First of all, I will deal with the last question. We are giving consideration to the sending of an observer to the next meeting. However, before making this decision I will want to make sure what the subject matter is. It is probable there will be a discussion of the question of sanctions against Cuba. However, until we are fully informed on this I will not be in a position to say what we are going to do.

In respect of the situation in British Guiana, that is a difficult problem. Canada has a big economic interest there. The Aluminum Company of Canada has a plant which is worth many millions of dollars. The bauxite from British Guiana is a very essential prerequisite for the operations of the Canadian Aluminum Company. We have perhaps as big an economic stake as any in British Guiana. Recently, as you know, we established a mission there. British Guiana has not its independence; it continues to be a subordinate area under the commonwealth relations office of the United Kingdom. But, we have rather a unique form of mission now headed by Mr. Milton Gregg, and I am happy to say he is indeed doing a very useful job there.

Mr. Nesbitt, we are following this situation very closely, as you know. The authority of government there is now maintained by the United Kingdom. There have been very considerable losses of life as a result of the strife and the divisions that prevail. I can say no more at the present time than that we are very vitally interested in this, as other countries are, notably the United Kingdom. We have no intention at the present time of putting any forces in there. We have not been asked to; we have not been invited to, and I do not believe it is necessary at the present time.

Mr. HERRIDGE: I have a supplementary question.

Mr. MARTIN (*Essex East*): I was going to deal with peace keeping.

Mr. HERRIDGE: I am sorry; I thought you had finished.

You mentioned Canadian investment in British Guiana. Is that not essentially a United States investment?

Mr. MARTIN (*Essex East*): I do not believe so. I have not studied all the details, but it is a public company. It is very large and it is a Canadian company.

Mr. NESBITT: A great many Canadians have shares in it.

Mr. MARTIN (*Essex East*): Mr. Nesbitt tells me he has some shares in it.

Mr. NESBITT: I said a great many Canadians have shares in it.

Mr. MARTIN (*Essex East*): That is what I meant.

In any event, it is a Canadian company. It is not the only one there but it is a very large one.

With regard to the conference on U.N. peace keeping in Ottawa, which we hope will be held here, there are a number of interesting questions.

Canada, as you know—and this was done by the former administration—set aside one of our battalions for use in United Nations peace keeping roles. This was the first initiative of this kind taken by any country. Last fall there was an announcement from the Nordic countries that they were going to collaborate with one another in the matter of studying peace keeping efforts, and the government of Holland announced it had set aside a stand-by unit, just as had Canada. Other countries, in varying degrees, have resorted to the same practice. Of course, Canada has been long interested in peace keeping. The present Prime Minister and, indeed, the present Leader of the Opposition have from time to time talked about an enhanced peace keeping role for the U.N. and I have myself done so at the United Nations and elsewhere. Efforts have been made by Canada to try and get an agreement among members of the United Nations to live up to the implications of chapter VII of the charter of the United Nations, particularly articles 42 and 43, without any avail.

In 1958, President Eisenhower proposed at the special assembly of the United Nations, that there should be set up a permanent United Nations peace force. It was not possible then; it has not been possible since, nor was it possible before to get any substantial body of support for this idea.

The Soviet union took the position that this was an effort being put forward on the part of the western powers and other countries. They were suspicious for one reason or another, and so much so that Dag Hammarskjöld himself affirmed shortly after the Eisenhower proposal that it just was not possible at that time to secure any general acceptance of the idea in the United Nations. Last fall at the United Nations I became convinced and so did the Prime Minister, that there was no hope then of establishing even permanent ad hoc peace keeping machinery, let alone a United Nations peace keeping force. But, countries like Canada, Sweden, Finland, Holland, Denmark and Norway, with a common point of view on this subject, did engage in informal conversation. I have taken advantage at NATO meetings to confer particularly with Mr. Luns and Mr. Lange of Holland and Norway respectively about ways and means by which we could further, outside the United Nations but for the United Nations, the idea of establishing peace keeping units on an ad hoc or permanent basis. Now, Canada has had experience in virtually every U.N. peace keeping operation and in the three Indochina commissions that operate under the Geneva accord of 1954 and 1962. We have had greater experience than any other country. I do not say that by way of boastfulness but because this has been the attitude of Canada under both governments, and it is an attitude that is supported, I believe, very strongly by the Canadian people. I think this is one of the important international concepts of today and we must not let it fail, no matter what the sacrifice, no matter what the cost, and no matter what the effort.

We thought it would be useful if this limited number of countries foregathered and discussed their peace keeping experiences with the idea that when similar situations arose in the future we would be better able to deal with them. The Cyprus situation is a good example.

We also thought we would like to give consideration to ways and means of strengthening the machinery of the secretariat of the United Nations toward this objective. We had thought we would confine this to this limited group because they were countries which had all had considerable peace keeping experience. Ireland was not included in the original group because, while Ireland has played a great part in U.N. peace keeping particularly in the Congo and afterwards she does not have units earmarked for U.N. peace keeping service.

Mr. NESBITT: Until the Congo situation.

Mr. MARTIN (*Essex East*): She did not have much peace keeping experience until the Congo situation.

One of the original invitees suggested to us that there would be some misunderstanding if we just had this limited group. I could not see then that there was any basis for a misunderstanding but I readily admit now that there was. The Soviet union had an article in *Izvestia* about two months ago criticizing Canadian initiative. I was disturbed about this article because there was no political motive behind this on the part of Canada or on the part of any of the other countries. There was no other motive than a desire to study the idea of peace keeping under the U.N. and to study the idea of collective responsibility of U.N. peace keeping, and to give all of the member nations an opportunity of pooling their experiences so that they would be better equipped to deal with subsequent situations. These are going to increase.

We are likely to find that the peace of the world will have to be maintained by the use of peace keeping units to deal with all kinds of limited wars, limited conflicts and limited situations that threaten or violate the peace.

This article in *Izvestia* did disturb me and I asked the Russian ambassador in Ottawa to come in to see me. I pointed out to him there was a misunderstanding and that we were not seeking to usurp the powers of the security council or the powers of the great powers, but that we were doing exactly what I indicated a few minutes ago as being our intentions. I do not know whether I have been able to persuade the Soviet union of our intentions. Perhaps other countries whose propinquity to the Soviet union is more intimate than Canada's will be able to convince them.

I will not say anything at this point about their own recent proposal. I do not know whether our conversations with the Russian ambassador here had any part in the formulation of the Soviet proposal itself that was exposed the other day in Tokyo, but in any event we have expanded our idea and we are now exploring, with certain countries, the possibility of inviting a wider group of countries, not only countries of Europe and North America, including Canada, the Scandinavian group, and Ireland, but countries, of Africa, Latin America and Asia, who have had experience in peace keeping. The invitation has not been extended to any of the great powers, not because we feel the great powers have no role to play in peace keeping but, hitherto, except for the experience of Great Britain in Cyprus, no great power has had the same kind of U.N. peace keeping which the countries mentioned earlier have had. They are of course legally obligated to make contributions toward the financing of the peace keeping operations of the U.N. We have had some informal meetings, and others are now going on and I hope the result will be that we will have this meeting. I sincerely hope that the Soviet union will understand the objective position that we have taken, but whether it does or not is a matter for it to determine. We hope that it will look upon our effort in the same objective

way that we are endeavouring to look upon the proposal they made in Tokyo the other day, and which apparently is to be formally distributed to all members of the United Nations.

That in a nutshell is the situation to date, Mr. Nesbitt.

Mr. NESBITT: Thank you Mr. Minister. I have a very large number of detailed questions I wish to ask the minister in this regard but I think in fairness to other members of this committee I will relinquish my right to continue questioning, and ask questions at a later time.

The CHAIRMAN: Perhaps I can recognize Mr. Choquette now rather than Mr. Fleming.

Mr. CHOQUETTE: I am wondering whether it would be out of order for me to ask one or two questions of the minister at this time.

Mr. HERRIDGE: There is nothing unusual about that.

Mr. CHOQUETTE: I am using you as a master.

Mr. MARTIN (*Essex East*): What did he say?

Mr. CHOQUETTE: I am sorry, but I wondered whether it would be out of order for a few seconds if I asked questions. My friend Mr. Nesbitt asked questions in respect of many areas including British Guiana, and I am wondering what has happened to relations between Haiti and this country since it expelled the Jesuit priests.

Mr. MARTIN (*Essex East*): To which country did you refer?

Mr. CHOQUETTE: I referred to Haiti.

Mr. MARTIN (*Essex East*): Haiti, je comprends. Je répondrai en français.

Mr. CHOQUETTE (French) (Not recorded).

Mr. MARTIN (French) (Not recorded).

(Text)

The expulsion of the Jesuit missionaries from Haiti was based on the grounds that these dedicated men were engaged in subversive activities. This was a contention that we could not, do not and did not accept. We indicated our attitude in no uncertain way to the Haitian government. The taking over of the property of these missionaries and their expulsion were regarded as a very regrettable act and we took action to let the Haitian government know, through their chargé d'affaires here, how we felt about it. I have had no occasion to change the views expressed in the declaration I made at that time.

Mr. FLEMING (*Okanagan-Revelstoke*): Mr. Chairman, I should like to ask the minister how far the government intends to go beyond the actual creation of peace keeping machinery and a peace keeping force. Would the expansion of mediation machinery eliminate the source of friction and the necessity for the presence of a peace keeping force, if it managed to keep the protagonists in check in any given situation? The peace keeping machinery has not proved to be fully effective because, using the Gaza strip as an example, troops have been there for ten years and there is no indication that there is an early solution or withdrawal in sight. Is there something missing in our whole approach to this situation? Perhaps we are only interested in peace keeping machinery without giving thought to some further strengthening of mediation machinery. Is there not a sufficient actual potential in respect of danger spots in the world to absorb virtually all the forces of all the middle power countries?

Mr. MARTIN (*Essex East*): What is necessary, of course, is the development of world society to the point where nations will recognize that they do not cease to be national entities by recognizing that they have obligations and that there is a limitation upon the force that they can and should ultimately exercise in the interest of mankind itself. The governments in the Middle East of course are as sovereign as those elsewhere in the world. They have particular policies which they pursue. It is not realistic to assume in this

particular example that mediation would necessarily be effective. I can assure you that nothing would please the Canadian government more than if we thought it would be possible to mediate today to bring together the parties in the Middle East. Nothing would please me more than to see negotiation between the governments of Israel and the United Arab Republic. We can only express hope that this will take place.

Mr. FLEMING (*Okanagan-Revelstoke*): That deals with only one situation, Mr. Martin, but if we are going to commit ourselves and initiate the creation of a much wider obligation for development in respect of a peace keeping force, does this mean that because we initiate this policy and give it support at the beginning, over a period of years our involvement will grow as a result of which our commitment will extend for many more years? Should we endeavour by some means to initiate the creation of United Nations mediation machinery in an attempt to meet this situation?

Mr. MARTIN (*Essex East*): You are quite right, but we do not need to initiate this because this is included in chapters 6 and 7 of the U.N. charter which provides for such mediation machinery. When the United Nations charter was signed at San Francisco, all of the signatories undertook to abide by the implications of the commitments of that charter, and chapters 6 and 7 provide for all of these situations. However, until such time as there is a willingness on the part of member states to use the provisions contained in the charter they cannot be imposed. That mediation machinery is there. Not only is the mediation machinery in existence but there is also machinery for final adjudication, should it have to be used. I would hope that the proposal put forward by the Soviet union involves not only a restatement of its attitude toward article 43 of the charter but also indicates its willingness to put its full support behind all of the provisions of chapter 7.

Let us refer to the one question of financing. It seems to me a terrible thing that the United Nations, a body to which we look for the ultimate solution and settlement of disputes, as well as to keeping the peace, has to go around begging for enough money to carry on.

A question was put to me in the House of Commons today, quite properly, by the Leader of the Opposition, revealing that Canada is the only country, apart from Ireland, that is prepared to pay its own way in Cyprus without any conditions. We did this only because if we did not there would not have been any Cyprus peace keeping force. This is a most regrettable situation. It is a terrible situation. Our generation certainly will some day be severely judged.

If the Soviet union means by its proposal that it is prepared to pay not only for future peace keeping operations but for past peace keeping operations this will be very helpful. The machinery is all in existence, Mr. Fleming, and what remains to be done now is to use it.

Mr. FLEMING (*Okanagan-Revelstoke*): When you bring together these nations to consider Canadian initiative in respect of creating a peace keeping force could you not at the same time sound out their views perhaps in respect of preliminary action toward greater attention in respect of the provisions of Chapters 6 and 7 and to the commencement of initiative action within the United Nations in an attempt to bring these nations together to agree on some form of mediation machinery?

Mr. MARTIN (*Essex East*): We certainly do intend to look at that.

Mr. KINDT: I should like to ask a supplementary question. Is there vigorous action on the part of the United Nations in an attempt to bring to a close this question in respect of the Gaza strip and our contribution? I am afraid I was not in attendance from the beginning of the meeting and perhaps have missed some of the discussion.

Mr. MARTIN (*Essex East*): I said, Dr. Kindt, that I did not see any terminable date for this operation. It is such a successful operation that last fall when there was some talk of reducing the extent of the personnel, both the United Arab Republic as well as Israel expressed the hope that this would not be done. They would not want to see its usefulness or character abridged in any way because it is recognized as an indispensable element in the keeping of the peace.

This is interesting. Consider the operations in Yemen. Yugoslavia and Canada last June accepted an invitation of the security council—or rather from the secretary general of the United Nations, pursuant to the directions of the security council, to form a mission for the Yemen. We have been in there since. We have some 25 people in there, and the cost of it is borne by the United Arab Republic and Saudi Arabia, the two countries that because of their policy brought this force into being.

There was the alleged supplying of funds to the royal government of Yemen by Saudi Arabia, and the presence of some 30,000 Egyptian troops in the Yemen. But so valuable is this peace keeping operation in principle that both of these countries are now making it financially possible for this group to operate. This is an indication of the growing value and strength of the peace keeping technique, and it is particularly true in the case of Yemen.

Mr. KLEIN: You stated that both the United Arab Republic and the state of Israel requested that the forces be not reduced and that they be maintained. How does that jibe with the statement that has been made publicly on numerous occasions by Nasser that he intends to destroy the state of Israel? Does that mean that he wants Canadian forces to maintain peace until such time as he is able to destroy his neighbour?

Mr. MARTIN (*Essex East*): Israel is an amazingly resourceful state. These statements, I think, are most undesirable and I do not believe that they will be realized. All I am saying is that the presence of U.N.E.F. in this highly explosive situation is regarded by both these countries, as well as by other countries in the area as an indispensable factor.

Mr. KLEIN: Why does the United Nations not summon both Israel and the United Arab Republic under the Charter and make them sit down and discuss peace instead of standing by and doing nothing about it?

Mr. MARTIN (*Essex East*): You say why does not the United Nations do it? Well, the United Nations is a body made up of sovereign states. It is not a nation. It is an organization of sovereign states. There are, as you know, as a student of this problem, decisions of the United Nations that have been made in this context. I remember once not very long ago when we were in Europe, somebody said "You Canadians are idealists, because you are among the strongest supporters of the United Nations' concept,"

Some people look upon us as they do upon some other countries as being overly idealistic. I think we are idealistic. This does not mean to say that we are impractical idealists. I have felt that way all my life, ever since I was a youngster at university. I have felt that the ideal of building a world governed by the rule of law is inevitable in the growing but at the same time contracting world in which we live in this interdependent nuclear age. I think it is inevitable.

What we are in the process of doing is realizing this inevitability. It is not being done overnight. We are still dealing with individual and sovereign nations. But bit by bit the forces that are contracting the world are making inevitably a realization of the power of collective force for peace. The United Nations may disappear. I do not say that it will, but it could. However something like it is inevitable. It is bound to happen. Our world cannot hold together without it. It seems to me very natural that countries like ours feel

very keenly the frustrations facing the U.N., and those frustrations are very great. But there will be a solution to them.

Mr. KLEIN: Do you not think that the United Nations is delinquent in its duties, when a country's avowed policy is one of war, and when the United Nations says nothing about it?

Mr. MARTIN (*Essex East*): Let me point out that the U.N. has. There are resolutions of the United Nations on this very subject.

Mr. KINDT: Over the past ten years has there not been the building of a high fence and all the rest of it? You sometimes see pictures coming out of the Gaza strip which indicate the intention of keeping the warring factions apart. Would this not make it unnecessary for the united peace keeping force to carry on?

Mr. MARTIN (*Essex East*): No. They are there, and they are more than a symbol in the case of U.N.E.F. We had a situation in 1958, you will remember, when trouble broke out. The United Nations established Unogil in Lebanon, in order to keep the peace at the invitation of the government of Lebanon. The U.S.A. sent in 12,000 marines, and at the same time the British government sent 3,000 British troops into Amman in Jordan. On the left bank.

Well, this caused a serious situation and there was a special assembly of the United Nations. I well remember it, because I happened to be going to the Middle East at that very time. Dag Hammarskjöld and the United Nations acted. In due course the troops were withdrawn from Lebanon. The United Nations operations took their place. The British troops were taken out of Jordan, and Mr. Spinelli, the Italian diplomat, was elected by Mr. Hammarskjöld to represent the United Nations in Amman. The authority of the United Nations was sufficient at that time for one individual simply by his presence in Amman to exercise a very important moderating influence. Things have been relatively tranquil since. This shows that bit by bit we are building up, and will continue to build up this technique of U.N. peacekeeping.

Mr. KINDT: I think your point is well taken. But the thing which disturbs some of us, judging by the questions asked, is when will this thing come to an end? Can we shorten the time? Ten years seems like a long time for the settlement of these disputes. And as you have said, there is no end in sight. If you go around to bush fires throughout the world and create new obligations, just how long are you going to be involved before you can get out of there?

Mr. MARTIN (*Essex East*): I cannot answer that.

Mr. KINDT: Of course you cannot.

Mr. MARTIN (*Essex East*): But much has been done and will be done to improve the situation, I am sure.

The CHAIRMAN: Now gentlemen.

Mr. KINDT: Is it not going to make us more careful about getting into these things?

Mr. MARTIN (*Essex East*): I hope so, but I do not know.

Mr. KNOWLES: We may have to get into them.

The CHAIRMAN: I have on my list those who wish to ask questions in addition to Mr. Nesbitt. I have Mr. Brewin, Mr. Knowles, Mr. Patterson, and Mr. Dinsdale. We are now about to adjourn. I wonder if this would be an appropriate time for Mr. Herridge to make his correction. He said he would like to make a correction in respect of a previous transcript relating to certain statistics which entered into a certain part of our deliberations concerning the Columbia.

Mr. HERRIDGE: Thank you, Mr. Chairman, I mentioned this in the steering committee and the steering committee agreed that in fairness to Mr. J. D. Macdonald a professional engineer, these corrections should be made. Unfortunately we were unable to correct them before, because the printed record was not received until after the committee had risen. I refer to proceedings No. 28, for Thursday, May 21, 1964, at pages 1423 and 1424 where, in the mimeographing of this brief, decimal points were misplaced, which made a considerable difference in the conclusions of the brief. Therefore, I would ask permission to have the corrected figures included in the record for today.

The CHAIRMAN: Is that agreed?
Agreed.

Mr. NESBITT: When we resume our sittings this evening, shall we be continuing to question the minister about peace keeping operations, or shall we be going on to other matters?

The CHAIRMAN: As Mr. Knowles is the first person to ask questions, I imagine we will still be on peace keeping.

Mr. KNOWLES: My questions are in that field.

The CHAIRMAN: Therefore we shall start with Mr. Knowles.

Mr. KNOWLES: And Mr. Brewin has some in that field as well.

Mr. BREWIN: Yes, some of my questions are in that field.

The CHAIRMAN: It might be useful if Mr. Nesbitt and Mr. Patterson could get together and exchange ideas on what their questions may be, because perhaps they would be working in the same field.

Mr. NESBITT: I have a number of specific questions on peace keeping operations, and I also have questions which deal with other matters, and which will come up later.

Mr. KINDT: We may have difficulty in finding a quorum tonight because of certain things to be discussed in the house.

The CHAIRMAN: I am grateful to the members for coming here in such numbers. We have lost some of our members to the special committee on defence which is at Gagetown today, but it is appreciated that so many of you so promptly came here. Perhaps we might make an effort at least to get together, and if some of you have to leave, at least it will protect our quorum. We are stretching our resources almost too much with three or four committees sitting, including the special committee on defence meeting at this particular time, and also with the carrying out of our obligations in the house.

Mr. MARTIN (*Essex East*): I am at your disposal.

The CHAIRMAN: Thank you. We shall reconvene at 8 o'clock.

The committee adjourned until 8.00 p.m.

EVENING SITTING

THURSDAY, July 9, 1964.

The CHAIRMAN: Mrs. Konantz and gentlemen, Mr. Herridge has made the suggestion that we reconvene in other accommodation in the west block.

Mr. HERRIDGE: I am thinking of the ladies and of the minister particularly.

Mr. KNOWLES: Some of us want to go in and out of the house because of the debate that is going on in there.

Mr. PATTERSON: The west block has its distinctive advantages, of course.

The CHAIRMAN: Would it be agreeable that we carry on here? I am in the hands of this committee.

Mr. CAMERON (*High Park*): We are here now, let us stay.

The CHAIRMAN: Well then, gentlemen, the first person to ask questions this evening on my list is Mr. Knowles, followed by Mr. Patterson, Mr. Brewin and Mr. Nesbitt. I have no others. I will be guided by your directions.

Mr. KNOWLES: Mr. Chairman, may I say to the minister that there seems to be three current headings under which the sitting up of peace keeping machinery is being discussed: There is the meeting that is being arranged for Canada this fall by countries that have had experience and seem to have in mind the idea of setting up peace keeping machinery outside of the United Nations for the United Nations. Second, there is the proposal, currently being made by the Soviet union; and in the third place—although I have not seen any reference to it for the last 24 hours—there seems to have been talk about some peace keeping machinery within the membership of the commonwealth of nations.

My question is not one that suggests that they should be pitted against each other or that there should be any criticism of this fact. It is probably a good idea that peace keeping machinery is being thought about on all fronts. However, I wonder if the minister would care to comment on which of these proposals appeals most to the government, to which it attaches the most importance, and which one it feels would be the most hopeful.

Mr. MARTIN (*Essex East*): With regard to the first heading, that is the conference that we hope will take place in Canada with countries of peace keeping experience, we believe that this is an immediate and desirable thing to do, a practical thing to do, and one that is within reach. For that reason we are anxious to see it go forward. Every time a situation arises where this U.N. machinery is sought to be utilized on an ad hoc basis, one is confronted at once with the need for improvisation. They were talking about a peace keeping operation in Cyprus fully three and a half week before it was devised. One of the reasons for that long delay was the lack of preparation—that was not the only reason but it was a contributing reason.

Now, I do not think that these three categories that Mr. Knowles has mentioned are opposed to one another. They could all fit into one another. The conference that we have in mind is not inconsistent with what could be the heart of the proposal of the Soviet union for a permanent United Nations peace keeping operation. The experience that would be exchanged at such a conference as we propose could well be utilized if the kind of thing that the Soviet union is talking about were realized, or the kind of thing that had been proposed by President Eisenhower. I do not know whether Mr. Knowles intends me to analyse the Soviet union's proposal now.

Mr. KNOWLES: It might be appropriate for you to speak to us a bit on that.

Mr. MARTIN (*Essex East*): This must be regarded as not necessarily a final assessment because we do not really know what are the motives for the proposal. I prefer to take the view that it represents a positive step forward, but we have got, in this business, to always allow for motives that are contrary to our interests. I do not necessarily say that this has any such element in it; it must be viewed against the background of the attitude that the Soviet union has taken towards peace keeping. It has not supported any single peace keeping project, except some of the observation missions. I think that Kashmir was one, and so was Yemen—they did not vote for it but they did not veto it. That is self-evident, otherwise it would not have come into being. In the case of Cyprus, the same thing applies. We therefore know that their traditional attitude to peace keeping has been one of suspicion that it was a device designed to further the objectives of the western world. It was also for this reason that they refused to be obligated for any of the financial responsibility for the maintenance of other U.N. peace keeping machinery. The Soviet deficit

to the United Nations is somewhere in the neighbourhood of \$60 million. The Soviet union is now delinquent for an amount greater than the total annual assessment against the Soviet union for the two previous years. That means that under article XIX of the charter she could lose her vote at the next assembly.

Now, the suggestion has been made, and it is one that must be examined—I am not saying this it is the only reason, I am just giving a cold analysis—that the latest Soviet proposal could be a device related to the discussions that are bound to take place at least between now and the end of the next assembly with regard to what is going to happen to the Soviet union under article XIX. The secretary general of the United Nations is going to Moscow very shortly. I do not know what he is going to discuss but I would be surprised if this proposal was not one of the subjects of discussion. Likewise, I would be surprised if the question of the so called Soviet deficiency in payment of United Nations peace keeping obligations is not a subject of discussion. It could be that the Soviet union is proposing this in the light of this situation that faces them, and that faces France as well, although the French deficit is not as high. There have been discussions between certain powers and the Soviet union over the past few months trying to find some formula to avoid a confrontation with the Soviet union on this subject at the next assembly. I am not in the position to say what are the results of those negotiations. It could be that the Soviet memorandum represents an attempt to put a new face on their traditional attitude towards peace keeping, and to seize the initiative in the peace keeping field. I have here the article which appeared in *Izvestia* some time around the early part of June. I will just quote one paragraph to indicate their concern for the kind of initiative we have taken. Under the little "A Discreditable Venture" *Izvestia* of June 6 attacked "a campaign being conducted by the official tribunes from western countries to promote the idea of the creation of a so-called permanent international police force". It pointed out in this connection that the government of Canada was "agitating", and referred to the announcement by Mr. Pearson of the possibility of discussions dealing with the creation of stand-by military forces for maintenance of peace.

You will remember this afternoon I mentioned that when this article came to my attention I sought to impress on the Soviet ambassador what our real objectives were. I have not received any reaction. I do not know whether this new proposal is the reaction; it could be; I do not know. Then, this proposal of the Soviet union could be their reply to certain proposals that have been made for agreed procedures to be followed in financing future United Nations peace keeping operations. The question of how the deficit which the international court of justice said is legally owing by the Soviet union to the United Nations is to be paid is also involved. The Soviet union has insisted that expenditures for peace keeping must be decided only by the security council and not by the assembly of the United Nations under the united for peace resolution. This resolution was adopted for the purpose of giving the general assembly authority to deal with a peacekeeping matter when there was an application of a veto in the security council by one of the great powers, or when the security council failed to act.

As I already have mentioned, the Soviet memorandum also could have been framed with an eye to avoiding a confrontation on the question of article XIX. They could argue that if their proposals were accepted as a basis for continuing negotiations on the procedures for authorizing, negotiating and financing peace keeping operations, it would be invidious to attempt to invoke article XIX while these negotiations were under way.

It has also been suggested that the Soviet memorandum could have been timed to make its maximum impact on opinion in Africa and Asia ahead of

the meeting of the organization of African states, the Arab summit meeting in September, and the Cairo conference of non-alliance states which will meet early in October. I do not wish to particularize on this, and I know you will not ask me to; but the Soviet proposal could be significant in respect of certain countries which geographically are close to the Soviet union, who have had peace keeping experience, and who would be regarded as likely participants or invitees to a conference such as we have in mind. They might argue, "Well, we have something much broader in mind, let us concentrate on that".

The great powers at San Francisco were concerned greatly about the right of veto—not only the Soviet union. The great powers are, I think, rightly concerned about the integrity of the security council and about the maintenance of its power. They may think our proposal is a device to get around the authority of the security council. Well, there is no such intention in anything we have in mind. Our proposal is not concerned with the authority of the security council.

Hitherto, in all peace keeping activities, none of the great powers has for obvious reasons, been invited to participate, except in the case of Britain in Cyprus, and there was an obvious reason in that case. However, I would take the view that for the future with regard to developing a United Nations peace keeping force, there should be no exceptions. This does not mean that in every particular peace keeping project all the nations have to participate, but I can very well conceive, if this kind of effort develops, a confrontation where it may be necessary to utilize the greater military strength of the great powers, participating in particular peace keeping projects.

In looking at the Soviet proposal, I am not inclined to think that the great powers should necessarily be excluded. In most cases I think it can easily be seen why there would be some reluctance to have them participate automatically. In any event, whether they actually participate in the project or not, all nations in the United Nations without exception, great and small, should be expected to bear their financial responsibility for whatever assessment is made for the financing of U.N. peace keeping operations.

The United Nations has retired from the Congo. I do not say prematurely; it remains yet to be seen. However, I have a suspicion that were it not for the financial situation which confronts the United Nations, this particular force would not necessarily have ended its operations as it did.

In a general way that is some of the analysis. I do not want to dwell on this too long. These are some of the considerations on the negative side. Here is what the secretary general had to say about the Soviet memorandum. He said that in his view the main purpose of the memorandum is to stimulate thinking on various aspects of chapter 7 of the charter of the United Nations, particularly the application of articles 42-3 which deal with the use of force by the United Nations. The Soviet proposal is very interesting and its main purpose it well known; the Soviet thesis is that the security council alone is competent to deal with peace keeping operations, and that the security council alone is competent to take decisions in respect of various aspects of United Nations peace keeping operations. The proposal put forward could involve a restatement of the Soviet position in respect of articles XLII and XLIII. If this proposal stimulates discussion, and if it means acceptance by the Soviet union of the provisions of article VII, then it represents a very important proposal indeed. It is one that we will look at with the hope that it furthers the idea of U.N. peace keeping. I think it could be a very important document, and it is in that sense that I view it. I would not want to give the impression, under any circumstances, that we are turning it down at all. I think it could represent a big step forward. This will not be the first time

these ideas have been proposed. In all fairness I should mention that similar ideas were brought forward by President Eisenhower in a suggestion he made in 1958. If it really meant what it could mean, the Soviet proposal is a further example of an improvement in east-west relations.

Mr. KNOWLES: Mr. Chairman, the minister has commented on the first two aspects I mentioned. I referred to a third aspect referring to the conference which we hope will be held in Canada this fall.

Mr. MARTIN (*Essex East*): We hope that will be the case.

Mr. KNOWLES: Is there any possibility of moving the whole thing into the United Nations?

Mr. MARTIN (*Essex East*): Not at all. I think it would be wonderful if the climate of the United Nations was such that we could do so, but at the present time unless there is a change of attitude it is clear this will not happen.

With regard to the commonwealth proposal, it is obvious that because of its importance and topical interest, peace keeping will be one of the subjects which the commonwealth prime ministers are likely to be discussing. Most members of the commonwealth have played a part in the past peace keeping operations of the United Nations and they have experience which they can share. I am referring to experience in the various United Nations emergency forces, which India, Nigeria, Ghana, Pakistan and some other commonwealth countries have had. These countries will I am sure be glad to share it with others.

Our consultations over the past few months have revealed that interest in the question of peace keeping is world wide and not restricted to any particular group in the United Nations. We welcome the opportunity to discuss the subject at the prime minister's conference and we hope that our commonwealth partners with actual experience in this field will see the advantage of exploring the practical and technical problems of U.N. peace keeping in the widest possible forum, such as the conference which Canada is now planning.

There might be suspicions cast on the informal conference, such as the one we have in mind if we were thinking only in terms of commonwealth association.

There was some discussion in connection with the Cyprus situation of Commonwealth participation, but none of the suggestions made were acceptable, and that is why the secretary general of the U.N. expanded participation in that particular force. In any event, commonwealth interest and discussion of U.N. in peace keeping would be very useful.

Mr. KNOWLES: At the present conference in London there will be discussion in respect of the general idea of peace keeping. Would you suggest there is on the agenda for discussion a formula for the establishment of a commonwealth peace keeping operation?

Mr. MARTIN (*Essex East*): I do not wish to state what is on the agenda. I think it would be wrong for me to do that. I think there will be a useful discussion about commonwealth interest in U.N. peace keeping.

Mr. PATTERSON: Mr. Chairman, I propose to ask a number of questions, although many of the ones I had in mind have been answered as a result of the questions asked by Mr. Knowles.

To return to the question of peace keeping operations on the Gaza strip, I think the minister stated that there is in existence at this time machinery under the United Nations charter to establish mediation if and when the nations involved express some willingness to use this machinery.

I believe also the minister pointed out that the United Arab Republic and the state of Israel, which are the nations concerned, have posed a similar question to the United Nations. Do you feel it would be reasonable to insist that

negotiations be carried on in an attempt to resolve the problem and remove the necessity of keeping a force in that area?

Mr. MARTIN (*Essex East*): As I stated in answer to a question asked by Mr. Klein, there are resolutions before the United Nations in this context, but there is no way of insisting on the use of this mediation machinery by the United Nations in this area except perhaps by the use of force itself. I do not think the world body has developed to the point where such action could be taken automatically and certainly not in instances similar as that to which you have referred. We hope to exert whatever influence we can on the parties concerned with the hope that they will be able to reconcile their differences. I think this is the most effective action we can take in respect of this particular kind of problem at this time.

The United Nations is not a perfect body for keeping the peace, but we have to recognize the stage of development that we have reached internationally. I think great improvements have been made. This is attested by the fact that several nations, for a long time felt that they could not join together in a condemnation of apartheid, directed toward a particular country on the grounds that this was a violation of article 2, subsection (7) of the charter, thereby interfering with the domestic jurisdiction of a country. At the last session of the general assembly over 100 nations joined in a condemnation of apartheid as practised by South Africa. That represents a tremendous development in the jurisprudence of the United Nations. It is in this way that progress is made. I have used this action as an illustration of what I believe is the effective way by which these things are done. That is to say slowly, but ultimately with some result.

Mr. PATTERSON: I think there is a difference, and I believe you agree there is a difference in the two instances because here we have two nations asking for intervention.

Mr. MARTIN (*Essex East*): No, no.

Mr. PATTERSON: Well, they are asking for maintenance of the forces.

Mr. MARTIN (*Essex East*): Yes, they are asking for maintenance of the forces as a stabilizing factor.

Mr. PATTERSON: Would it not be proper to expect them to pay for the maintenance of that force?

Mr. MARTIN (*Essex East*): No, I would not think so. In the case of the Yemen, the cost are paid for by Saudi Arabia and the United Arab Republic. In the case of Cyprus they are paid for by countries like Canada and Ireland and others out of a voluntary fund. But, I think the proper way to finance these operations is through the exercise of collective responsibility under the U.N. for contributions. That is the proper way because it puts the organization in a stronger position. It eliminates the element of national interest. We allow Saudi Arabia and the United Arab Republic to pay, and allowed, in the case of Cyprus, others to pay only because there was no other way to get money. But, I think the ideal way is, when these situations arise, for the obligation to be borne by the organization as a whole out of the assessments made on all member states including those directly concerned.

Mr. PATTERSON: There is a growing concern over this very matter that we are putting these peace keeping forces into areas to maintain peace but there is nothing being done to resolve the problem. I think that is causing a great deal of resentment because of the feeling that there should be machinery and there should be an insistence that there be a conclusion brought to the situation.

Mr. MARTIN (*Essex East*): I do not know how you could bring a conclusion by force in these instances. I think that good counsel will prevail. I think progress is being made in this matter.

Mr. HERRIDGE: I have a supplementary in that connection. Have all these nations been invited at any time to state their case in full before the United Nations?

Mr. MARTIN (*Essex East*): Yes.

Mr. HERRIDGE: Have they been invited to do this so that world opinion would be informed?

Mr. MARTIN (*Essex East*): They do it repeatedly at every General Assembly.

Mr. HERRIDGE: But has there been a special invitation to deal with this question as an item on the agenda that both nations would state fully their cases?

Mr. MARTIN (*Essex East*): Yes. There have been several times when the security council has dealt with these problems.

Mr. HERRIDGE: Well, there has been very little publicity about it.

Mr. MARTIN (*Essex East*): Oh, there has been quite a bit. What has happened is that you and I have a failing memory.

The CHAIRMAN: Would you proceed now, Mr. Brewin.

Mr. BREWIN: Mr. Martin, I wonder if we could return to the subject of the Russian proposal about peace keeping.

Mr. MARTIN (*Essex East*): Yes.

Mr. BREWIN: It seemed to me it was quite a revolutionary proposal. Am I right in saying that never before has their emanated from the U.S.S.R. any proposal to give real effect to article VII of the United Nations charter about peace keeping.

Mr. MARTIN (*Essex East*): No, except at the San Francisco meeting.

Mr. BREWIN: You seemed to me to suggest rather that the question in your mind concerned the fact that the proposal did not involve using contributions from nations that were permanent members of the security council.

Mr. MARTIN (*Essex East*): No, no. I said that the Soviet proposal contemplates the exclusion from actual participation in peace keeping of the five great powers.

Mr. BREWIN: Exclusion.

Mr. MARTIN (*Essex East*): Yes, exclusion. They pay their share but do not participate.

Mr. BREWIN: Precisely. I thought you were a little mildly questioning whether that feature was one—

Mr. MARTIN (*Essex East*): I said I did not agree with that.

Mr. BREWIN: I would like to suggest on the contrary that that is perhaps some evidence of good faith; that any force which contained the representatives of the great powers would be one that is so impractical as to be hardly likely to be formed.

Mr. MARTIN (*Essex-East*): I hope I did not say anything that would lead one to believe that I questioned the good faith of the Soviet union in this matter. In any event, I did not intend to do that.

Mr. BREWIN: I want to suggest to you the contrary proposition, that the exclusion of the great powers, not from the management or operation but from the actual contribution, is some indication that the U.S.S.R. is putting forward what it believes to be a real and practical proposal. Had they asked for the inclusion of forces from the great powers we would have had serious doubts whether they meant it.

Mr. MARTIN (*Essex-East*): This is a debatable point. There are some who know much more about these things than I who would not necessarily disagree

with you on this. But, my own view is that when chapter VII was envisaged—and I recall very well the discussion at Dumbarton Oaks prior to the San Francisco meeting—it was envisaged that all member states were eligible to participate in the peace keeping operations of the United Nations. It was only after section 43 was resisted at the outset in the first meetings in 1946-47 in New York by the Soviet union that the whole chapter VII became really inoperative, and then this device of special ad hoc peace keeping machinery was resorted to. It was felt at that time that the great powers would further a particular side, so great was the enmity between east and west. This was true in the Congo and U.N.E.F. I am simply saying we do not make any exceptions in our own domestic communities and I do not see why, ideally, we should make any exceptions in the international organization.

Mr. BREWIN: Does it not occur to you—it certainly occurs to me—that the Soviet union's suggestion does take account of the very experience of which you speak, namely that peace keeping forces which were contributed to by the great powers were not likely to come into existence or to be too effective by reason of the very fact of the jealousy between these powers, and this suggestion that under the security council there should be forces composed of other than the great powers is really a step forward in the thinking and a practical and useful suggestion, and one which perhaps should be welcomed.

Mr. MARTIN (*Essex-East*): I can envisage—and I do not want to be asked to explain exactly what I have in mind—situations developing in the world where the military sanction or force is going to have to be of such an order that it may well be necessary to utilize great power participation. Now, this will not be easy to do, of course, and if it is done there will have to be a proper balance. If east-west enmity persists it will be more difficult, but if my idea is ever realized you will have to have a balancing on both sides.

I can see situations that will happen. Take the Cyprus problem for instance; it is a small area but there are other situations in the world which may require a much more extensive UN-peacemaking force. I hope this does not happen but I can see the possibility of such situations developing if we are really going to replace national intervention in these situations by international action. However, this is somewhat academic, but not on that account less important.

Mr. BREWIN: Do you suggest it is not academic?

Mr. MARTIN (*Essex East*): I am saying that it is not unimportant.

Mr. BREWIN: Let me put this to you. Does the Soviet proposal suggest anything about accepting a military staff committee? I think some such committee was envisaged.

Mr. MARTIN (*Essex East*): You are referring to article XLIII?

Mr. BREWIN: Yes. Does the proposal include any reference to that idea?

Mr. MARTIN (*Essex East*): The Soviet proposal does not specifically refer to that article but if it means the adoption of chapter 7, Article XLIII would be included.

Mr. BREWIN: Perhaps I should put this question to you.

Mr. MARTIN (*Essex East*): I am right in that regard, am I not? I just wanted to make sure.

Mr. BREWIN: I think you suggested that one of the possible disadvantages of having a peace keeping force under the Soviet proposal, as it were, is that they would be strictly under the control of the security council and, therefore, subject to veto. Is it not likely that once this peace keeping force was formed and the proposed military staff set up with the various national units working together, if the veto were used there would quickly be a turning back toward the general assembly and the uniting for peace resolution, at which time there

would be a group of people who would be in the habit of working together for the United Nations?

Mr. MARTIN (*Essex East*): I am not saying that we should or should not replace the residual power of the general assembly under the uniting for peace resolution. I am saying that only the security council should have responsibility. I do say, however, that the security council—and this is what the Soviet union says, with which I agree—is a body that should take, and make provision for, the necessary decisions with regard to peace keeping. I agree with that idea but I also say that this should not preclude the general assembly from taking necessary action in the event of the failure on the part of the security council to act.

Mr. BREWIN: I have just one or two more questions on this subject. If such a force were set up it would probably have wider scope than the present peace keeping operations envisaged under the union for peace resolution. However, by excluding the greater forces would we not be putting a very heavy obligation on countries such as Canada to devote a great deal of their military and defence efforts toward living up to these obligations?

Mr. MARTIN (*Essex East*): Unless I misunderstood what you said, what you are now doing is agreeing with what I said earlier in respect of including the great powers as potential participants in peace keeping.

Mr. BREWIN: I am suggesting exactly the reverse. Would their exclusion not add to their distinctive military role in preserving the security of the world? I presume there will have to be a great deal of thought given to the method to be followed.

Mr. MARTIN (*Essex East*): Yes.

Mr. BREWIN: Mr. Chairman, I have a question in respect of an entirely different subject. I was not in attendance this afternoon and I am not aware of your rules. I will be glad to defer my question if it is out of order.

The CHAIRMAN: I have on my list of individuals desiring to question the minister Mr. Nesbitt, Mr. Gelber and Mr. Dinsdale. I will ask Mr. Nesbitt to proceed at this stage.

Mr. NESBITT: Mr. Chairman, I have a number of questions I should like to ask the minister. I do not think they will be long or require lengthy answers.

First of all, I should like to say I agree with the minister that it is very good to envisage the great powers ultimately, perhaps, becoming contributors to a peace keeping operation, which would give some advantage in respect of difficulties between India and China. Perhaps the Soviet union would not be ruled out in this type of situation.

Referring again to this peace keeping operation, is it correct that a meeting is to be held in Ottawa this fall?

Mr. MARTIN (*Essex East*): We hope to hold such a meeting.

Mr. NESBITT: It is my understanding, as a result of what the minister has said, that it is intended to set up this meeting on a quasi United Nations basis, and that the services of this group would be made available to the secretary general. I am wondering whether it is safe to say that one of the reasons for setting up an organization in this way lies in the fact that the secretary general has had difficulty in respect of France and the Soviet union regarding non-payment toward the peace keeping operations. The establishment of such group would make it easier for the secretary general, in that these nations would come directly under the United Nations; is that not right?

Mr. MARTIN (*Essex East*): That is right. I would point out that, as you will notice in the statement I referred to by the secretary general, there is support given to the principles of the Soviet proposal and to the efforts being

made by others. While the secretary general is not personally involved, he does think our proposal is worth while. It does not however involve him in any way as the secretary general of the United Nations.

Mr. NESBITT: We all hope that these efforts will be successful.

I am wondering whether the minister will comment or give an opinion in respect of the idea that this may be a Russian alternative proposal to avoid paying what it now owes, or whether on the other hand it is a preliminary move as a result of which there will be an agreement with Russia that she will pay in part or in whole the money she owes for past peace keeping operations?

Mr. MARTIN (*Essex East*): I do not think I can add anything more to what I have said in this regard.

Mr. NESBITT: Would you suggest that there might be some inherent suggestions in the Russian proposal indicating that she might be considering paying some of the back dues for past peace keeping operations?

Mr. MARTIN (*Essex East*): I know of no change in the Russian position with regard to past obligations.

Mr. NESBITT: You would not venture an opinion that there might be more hope?

Mr. MARTIN (*Essex East*): I would hope that there would be a disposition on their part to make payments, because the United Nations needs the money. But I cannot say anything more than that.

Mr. NESBITT: Now, to get down to the detailed organization of this peace keeping operation, I would take it, Mr. Martin, that the organization as envisaged by Canada would perhaps be similar in nature to the so-called experts bank that was set up on Canadian initiative at the United Nations a few years ago; I mean that there would be a roster kept somewhere, a list of countries with troops of one kind or another available which would be available, let us say upon 48 hours notice, so that the secretary general could be informed of what troops would be available, where, and on what notice. Is that the idea?

Mr. MARTIN (*Essex East*): I think that would be a result greater than what we now envisage. The aim of what we have in mind would be to review the past experience of United Nations' peace keeping operations and to discuss special military problems which have been encountered in the course of those operations. The proposal for a conference of this kind, we think, is a logical follow up to certain practical suggestions for strengthening the peace keeping capacity of the organization which were advanced by the Prime Minister at the eighteenth general assembly on December 19 last. The proposal is a modest one, and is the first step in showing what might be done in a practical way to improve the present stand-by arrangements. The conference will be largely exploratory and at the working level among people with actual experience with these problems. There is no intention to turn away from the United Nations or for the participants merely to become an exclusive club. The whole point of our proposal is to explore ways of strengthening the capability of the members concerned to support the United Nations.

Our approach is purely practical. We believe that an informal, confidential exchange of views at the working level among representatives of countries that have had experience of service with the United Nations would be desirable and useful by itself. I am sure most of you have read General Burns's book concerning his experience in establishing the United Nations emergency force. That book reveals the kind of problems which face the United Nations when it goes about establishing operations of this kind. I am thinking of the language problem, the logistics problem, the pay problem, and all those factors which are obstacles, and which stand in the way of establishing a force quickly.

But if there were a pooling of ideas concerning these things as there would be a greater facility in meeting these problems in the future. This is what we have in mind at this stage. We were anxious to get away from political questions which would invite the suggestion that it was a conference designed to further the particular aims of a particular bloc.

We are very anxious that it be kept at this level for that reason, and I am very glad to have this opportunity to say this, and to repeat what I have said to those who, in the Soviet union, according to the article in the *Izvestia* have looked upon this with some question.

Mr. NESBITT: I would agree with what has been said in rather general terms. But the question I have in mind is: At this meeting has Canada any suggestion to make or are there any suggestions from other participants in this meeting of some general form of organization? I presume one would want to know what countries would have troops available purely on an organizational basis. No one could consider that to be a political thing. Is some arrangement of that kind not to be conceived?

Mr. MARTIN (*Essex East*): I would think so.

Mr. NESBITT: And further to that, is it the purpose of this meeting to discuss the sort of actual troops which might be made available in the event of an emergency, from the various countries concerned, or would it be going a little further than that? For instance, in the event of an emergency or a brush fire war, we might require the service of trained and skilled personnel such as public health experts, police, and so on.

Mr. MARTIN (*Essex East*): The last part of your observation would be included in it, but the first part would not. That would be the responsibility of the United Nations. We are not in any way trying to get into an area which belongs to the authority of the United Nations as such. You have listed the use of health workers, and consideration of the use of policemen. It is interesting to know that in the Cyprus police force, Austria, Australia, New Zealand and Denmark, I think, have supplied civilian policemen. This I believe is the first time that policemen have been used for peace keeping operations alongside of a military body or a para-military body, or whatever you wish to call it. The experience of the use of civilian police in the Cyprus situation, would be well worth examination and study. We, in our own department have been giving quite a bit of thought to this aspect, and a situation could arise where nothing more than a police force might be utilized. Instead of dispatching troops, it might be possible in a given situation to use a well-trained civilian police force drawn from different countries. In the case of Cyprus, there are I think 50 from Austria, 25 from New Zealand; 50 from Australia, and I think there are 75 from Denmark. I am referring to civilian police.

Mr. NESBITT: Perhaps I misunderstood what you said just now that this meeting to be held in the fall among these countries is to discuss this matter and will not be contemplating a discussion of what possible military units might be provided, should the secretary general require them.

Mr. MARTIN (*Essex East*): I would answer your question by saying that it is not proposed that at this meeting any steps will be taken which would in any way involve a decision which could only be made by the United Nations itself.

Mr. NESBITT: That is true, but what I am getting at is this. Perhaps you misunderstood me. It is quite true that if the secretary general should require civilian or military personnel, or both as the case may be, it would be up to him, of course. But is it not the purpose of this meeting to discuss the best method of having a list kept somewhere of the type of civilian and military personnel which could be made available to the secretary general?

Mr. MARTIN (*Essex East*): I want to be very careful about this for an obvious reason. I can see no difficulty in discussions of the extent, for instance, to which participating members have set aside stand-by units.

Mr. NESBITT: That is what I meant.

Mr. MARTIN (*Essex East*): We know what we have done. We know what some of the Nordic countries have done. We would be interested in knowing what other countries have done, if that information is not already available.

Mr. NESBITT: Would there be any discussion, in a group like this, on the type of uniform training that might be given because of the geographical and climatic conditions?

Mr. MARTIN (*Essex East*): Very much so. I am sure there would be interest on the part of other countries in knowing, for instance, the training that has been given to the various Canadian stand-by units that are on a rotation basis. I do not want to seem to be making comparisons but I think that the stand-by units in Canada, because they have been in existence longer, have had, for this particular kind of operation, a greater experience than those of any other country. Holland has set aside, I think, a 300 man stand-by force. This was done only last fall. In Canada the former administration set aside, in the first instance, the Queen's Own Rifles. When our troops went to Cyprus they were a well-trained body for such situations.

Mr. NESBITT: Is any sort of joint liaison of this group contemplated in the event that the secretary general should require information on military or civilian personnel in a hurry?

Mr. MARTIN (*Essex East*): I do not think we are contemplating joint liaison in that sense, at this stage.

Mr. NESBITT: Now that the Soviet union has evinced an interest in peace keeping operations, would you think it now might be possible to have this organization more directly under the auspices of the secretary general than would have perhaps been possible a week ago?

Mr. MARTIN (*Essex East*): I doubt that. I would welcome such a development but I doubt whether the effect of the Soviet proposal would have gone sufficiently far to change the climate in the United Nations on this subject but I have no doubt that if the Soviet proposal is a genuine one it would greatly contribute.

Mr. NESBITT: To bring it more directly under the United Nations and the secretary general.

I have one other question. Could you tell us, Mr. Martin, about this experts bank which was set up at Canadian initiative two or three years ago at the United Nations—I have forgotten the exact year. Could you tell us whether or not the countries which were requested to leave a list of civilian personnel who would be available, not only in the event of a brush fire war but of other emergencies such as earthquakes and floods, have produced such a list and how many countries have submitted such lists of personnel?

Mr. MARTIN (*Essex East*): I do not know but I will get that answer for you.

Mr. NESBITT: There is only one more question I have in mind, and that is this: Would there be any consideration given at the meeting of these countries, when it takes place, to perhaps establishing some sort of joint training or staff college for the military or civilian personnel so that there would be more uniform training, or is that going too far?

Mr. MARTIN (*Essex East*): That would be beyond the present terms of reference.

Mr. GELBER: I do not want to ask a question about peace keeping at this time. I would like to ask a question in relation to China.

The CHAIRMAN: Is Mr. Dinsdale's question on peace keeping?

Mr. DINSDALE: Yes. With reference to the Russian proposal in regard to peace keeping, the minister has indicated that he suspected that this might mean the participation of the greater powers.

Mr. MARTIN (*Essex East*): No, I did not say that.

Mr. DINSDALE: You made the conjecture that it could possibly mean that.

Mr. MARTIN (*Essex East*): I said that the Russian proposal for participating in peace keeping operations, apart from the financial contributions, did not envisage the great powers, and I said that my view—that is a personal view—was that, in the establishment of a United Nations peace keeping force, all member states should be eligible for participation in an actual operation, given the particular situation. It would have to be determined whether or not this was desirable. If it was a situation, for instance, in which it was obvious that there was an interest on the part of one of the great powers, it might be undesirable for that great power to participate. This is the kind of thing that arose in the Congo. You will remember that there was a practical objection to a certain kind of participation by Canada. There was a request to provide Canadian signallers; they were a functional need and they were taken in because of that. However, just as there would be an objection to a smaller country participating for some reason best known to the host state, so also there could be an objection registered against a great power. I was simply making the observation that it seems to me a weakness in the proposal that the great powers are not eligible for participation in the actual operation.

Mr. DINSDALE: Would you not think, Mr. Martin, that the type of participation on the part of the great powers that would be most effective and beneficial in the interests of peace keeping would be financial participation, and would this not be fundamental to the inclusion of the Soviet union in an operation of this kind?

Mr. MARTIN (*Essex East*): That may be, but Great Britain is a great power contributor to the United Nations operation in Cyprus. There could be other and Great-Britain was a very important contributor, and is a very important situations where the same factor may be present.

Mr. DINSDALE: But would you not conclude that as a gesture of good faith a great power such as the Soviet union would have to recognize its financial obligations?

Mr. MARTIN (*Essex East*): Certainly. The fundamental requisite is that there is an obligation on the part of all member states in the United Nations to bear their proportionate share according to the assessment, for the financial operation of a peace keeping project. We have indeed an advisory opinion of the international court of justice that there is an obligation under the charter for all nations to contribute financially to duly authorized peace keeping operations.

Mr. DINSDALE: In your opening statement you referred to the plateau which seems to exist in east west relations at the moment. Later on in the statement you also referred to the presence of Premier Khrushchev in the Vietnam situation. Is there evidence of continued Soviet intrusion into that situation?

Mr. MARTIN (*Essex East*): I do not know that I said that. You are likely thinking of Premier Khrushchev's speech of last night in which he criticized United States policy in Vietnam. That speech of Chairman Khrushchev's speaks for itself. It is a statement of policy by the head of the government of the

Soviet union against the military presence of the United States in Vietnam and Indochina.

You then said that I had said there was a pause in east-west relations. I just do not know how these are related. I was just going to make the point—I had not said this earlier—that while there is this pause, we could argue whether or not it is a detente. Some people say it is. I think there is no doubt that there is an improvement in east-west relations. This goes back to Cuba in October of 1962. However, by that I do not mean that because of the position, or because of the detente, there has been a solution of the major problems that divide east and west. We still have divided Germany; we still have divided Berlin; we still have the fact that in the disarmament committee there has been only limited progress.

The major political problems which divide east and west continue to be unresolved. In spite of that I feel one is warranted in saying there is an improvement in the posture of east and west toward one another.

Mr. DINSDALE: In reference to a question asked by Mr. Herridge, you referred to the presence of Chairman Mao Tse Tung, and that it was more or less a figure of speech rather than an actual situation.

Mr. MARTIN (*Essex East*): Well, we are getting into deep international politics here, and I do not want to be throwing my hand away needlessly or improperly; but the relations between North Vietnam and the Soviet union on the one hand have been well known, and the relations between Hanoi and the Chinese people's republic, so-called, equally have been well known. I think that is as far as I would want to go; I do not want to needlessly muddy the waters.

Mr. DINSDALE: I might leave that point and go on to a somewhat different observation. I take it that Canada to an increasing extent is going to take the initiative in peace keeping operations?

Mr. MARTIN (*Essex East*): I feel that this is one of our obligations. It has been a traditional Canadian role under this government, under the former government, and under the St. Laurent government. The present Prime Minister had a very active part in the establishment of the United Nations Emergency Force and, even before that, he was known as a strong exponent of the principles of U.N. peacekeeping. The theme of his address to the last general assembly was on this subject. I feel this is a proper and useful role for Canada, and to the extent we can usefully make a contribution we propose to do so.

Mr. DINSDALE: There were some suggestions that we were taking an initiative in Malaysia.

Mr. MARTIN (*Essex East*): No.

Mr. DINSDALE: This came out of the comonwealth conference.

Mr. MARTIN (*Essex East*): I did not make that suggestion.

Mr. DINSDALE: It is in the press as coming out of the comonwealth conference. Is Canada interested in offering its services in that difficult situation?

Mr. MARTIN (*Essex East*): In the house today I said the question of the problem of Malaysia is a subject that will be discussed when the prime minister of Malaysia is here. He is coming here in a few days.

Mr. DINSDALE: So, the press reports are speculative at this point?

Mr. MARTIN (*Essex East*): I do not know that I have seen the press reports. I have been going all day and have not had an opportunity to read them.

Mr. DINSDALE: If Canada is becoming increasingly active in this field, I would presume the reorganization of the armed forces which is taking place—

Mr. MARTIN (*Essex East*): May I qualify this? The Prime Minister was reported as saying at a press conference that Canada was naturally interested

in the problems of Malaysia as a commonwealth member; but he also observed there were limitations to what a country like ours could do. I am not saying this necessarily applies to a given situation, but generally speaking I think that is the case. Australia, for instance, has not participated except for her valuable contribution of policemen in the military operation of Cyprus. It could be that one of the reasons Australia and New Zealand took this view—and I am not saying this is the reason—might be they felt they have another area in which to act. With limited manpower they cannot needlessly exploit their manpower resources. That applies to all countries.

Mr. DINSDALE: If Canada is taking an increasingly active role in this peace keeping area of activity, I suppose it is logical to assume that in the services reorganization which is taking place at the moment, this function is uppermost as a consideration with regard to the future role of Canada's armed forces. I imagine there is close co-ordination between the Department of External Affairs and the Department of National Defence.

Mr. MARTIN (*Essex East*): You will recall that in the white paper issued by the Minister of National Defence, emphasis was placed on the actual and potential peace keeping role of Canada. There is the fullest collaboration between the Department of National Defence and the Department of External Affairs in this matter. There is the closest collaboration between the Minister of National Defence and the Secretary of State for External Affairs. I think I can say there is a recognition by both departments that there must be inevitably a close relation between defence and foreign policy.

Mr. DINSDALE: Is the peace keeping role of Canada's armed forces visualized as its total function in the foreseeable future?

Mr. MARTIN (*Essex East*): I would not want to say that. We are members of NATO. We regard NATO as a very important defensive instrument for Canada. We believe the role of NATO is one that is continuing and until we are satisfied the time has come when it is not needed, I am sure much of our defence effort will be directed towards the contribution we make to NATO.

Mr. GELBER: Mr. Martin, of the many important statements you have made today I am concerned with the last one on the mimeographed sheet. It has been said that the optimists are learning Russian and the pessimists are learning Chinese.

Mr. MARTIN (*Essex East*): I do not understand that.

Mr. GELBER: It is said that the optimists are learning Russian.

Mr. MARTIN (*Essex East*): When you mentioned the mimeographed sheet I did not know what you meant. The sheet I had was not mimeographed.

Mr. GELBER: I am interested in the statement that has been handed to us here with regard to relations with China.

Mr. MARTIN (*Essex East*): Would you mind reading it because I did not use the whole text.

Mr. GELBER: I picked that up this afternoon.

Mr. MARTIN (*Essex East*): I did not use that, I think. One of the privileges of a minister is not to use everything that is put before him!

Mr. GELBER: I did remember that you said this afternoon—or I thought you said this afternoon—that Sino-United States relations might become most important in international relations and that Canada would do what she could to improve these relations.

Mr. MARTIN (*Essex East*): Yes, I said that.

Mr. GELBER: With respect to peace keeping in Korea, Canada has not viewed the Far East as a major concern compared to our concern with other areas. Does this foreshadow a shift in Canada's external relations, viewing the

Sino-United States relations as being of paramount importance and doing what we can to improve them?

Mr. MARTIN (*Essex East*): I think all the countries of the world have to look at particular theatre as of special concern to them. The degree of interest will vary. Certainly, our main interest now is with the Soviet union, with the defence of this continent, with the defensive arrangements for those associated with us in NATO, but we are naturally, as a member of the world community, increasingly being drawn into other areas of interest.

In the case of Indochina, our interest has been accelerated by the request that was made of us in 1954 to participate in the three international control commissions. Outside of foreign aid, which of course has no military significance, I think it would be true to say that we did not have a very direct interest in the affairs of Asia apart from our relations with members of the old commonwealth and now members of the new commonwealth. But if someone 15 years ago had suggested that Canada would be concerned about Indochina in the way in which we are concerned about it today, I think he would have been looked at with some reservation. The world has contracted. I am talking to one who knows as much about this, if not more, than I do. The fact is that we are drawn into the maelstrom of these things, as are other countries. We cannot refuse to be interested. The situation in Asia virtually concerns us.

Mr. FLEMING (*Okanagan-Revelstoke*): May I ask a supplementary question?

The CHAIRMAN: Mr. Fleming.

Mr. FLEMING (*Okanagan-Revelstoke*): Are we not also, Mr. Martin, considerably concerned because we are a Pacific nation? One of our seaports is on the west coast and a great deal of our trade in western Canada will be directed to the orient. Do we not have a definite interest, both economic and political, in that?

Mr. MARTIN (*Essex East*): That is right. We do not participate in SEATO, of course.

Mr. FLEMING (*Okanagan-Revelstoke*): Not yet.

Mr. MARTIN (*Essex East*): That was always one of the favourite questions I used to ask of my predecessor. I used to ask my predecessor about SEATO and Canadian participation in it.

There is no doubt that Canada is interested in Asia for the reasons I have given. Our trade with Japan is very considerable. We have a total trade of around \$275 million with China, with a balance in our favour last year of about \$90 million. It is a very significant amount of trade. When one considers that Germany is one of our major trading partners and our total trade with Germany is under \$300 million, and our trade with France is around \$50 million, and then one considers our trade with China itself and with other Asian countries, of course one sees that you are quite right.

Mr. FLEMING (*Okanagan-Revelstoke*): And our Department of Trade and Commerce has been encouraging Canadian businessmen to travel throughout the whole of Asia, so our involvement is growing and is likely to continue to grow.

Mr. MARTIN (*Essex East*): That is right, and I hope it will continue to grow.

Mr. BREWIN: I have a question with regard to the Far East and this last little paragraph that has been given to us. I do not know whether the minister used these exact words:

As far as Canada is concerned, we are certainly determined to do what we can to hasten improvement in Chinese relations with the west and certainly with the United States—

And so on. I wonder if the minister would give any indication of some of the things he thinks we might be able to do to hasten this improvement in Sino-United States relations. Does he think the atmosphere is propitious or does he suggest any particular steps that might be useful in that direction?

Mr. MARTIN (*Essex East*): At the moment the situation in Indochina is very critical. That is the first fact. The United States has a policy toward this situation, as has the Chinese peoples republic and other nations. We have consultations continuously with a number of nations and we make a point of expressing our point of view on certain aspects of this problem. It is not easy, as I am sure you understand, to publicly define what these conversations reveal; but we have certain attitudes about these things, and other countries have certain attitudes also. I do not think I can usefully go much beyond that at this time.

Mr. NESBITT: Mr. Chairman, during this afternoon's meeting I recall asking the minister a question somewhat related to the one Mr. Brewin has just asked. The question was, as perhaps the minister will recall, in view of the minister's remarks this afternoon, which seemed to indicate something I think concerning China and her relationship with the United States and western countries generally, there seemed to be some indication that Canada's position might be going to change in relation to China. If I recall correctly, I inquired of the minister if there was going to be any overt shift concerning these relations, some sort of partial or total recognition of Peking China, or some change in our position at United Nations with respect to Peking China. The minister, as I recall, said the government's position had not changed since he made his remarks in the house earlier.

During the dinner hour I had the opportunity of refreshing my memory on what the minister had said at that time, and I would agree that Canada's position then was, shall we say, rather fluid in this regard. In view of the additional remarks the minister made this afternoon, could he not tell us whether perhaps some slight change in our position with China has been taken this afternoon.

Mr. MARTIN (*Essex East*): I have nothing to say, as I told you this afternoon, in addition to what I said on May 22. Since you have done me the honour of reading that, when you should have been eating, I do not think I need answer the question further. I do not think I could add to it.

Mr. NESBITT: The position is still fluid, as you might say.

Mr. MARTIN (*Essex East*): No, I did not say that. That was your interpretation.

Mr. HERRIDGE: Is it correct to say that the minister is in the centre of a seesaw on this question?

Mr. MARTIN (*Essex East*): I would always respect your characterization of the position in which the minister finds himself!

Mr. FLEMING (*Okanagan-Revelstoke*): Mr. Chairman, my question also refers to southeast Asia, and it goes back to an early statement of the minister this afternoon in which he indicated that he felt there was no Russian initiative at the present time to intensify tensions, and this is repeated on page three of the document available to the members of the committee. I would like to refer him to the position taken, recalling the Indonesian president's statement in which he threatened to crush Malaya by January 1, 1965. Mr. Mikoyan was in Indonesia at that time and he promised to send weapons which, he said—and this is the quotation I have—would be "far better than the British possess in the area". Would you not say that that was a deliberate attempt to intensify tensions?

Mr. MARTIN (*Essex-East*): I do not know that I can say that it was a Russian attempt. I have my own understanding of the policy of Indonesia and

its relation with the Chinese Peoples Republic. I do not know that I can comment usefully on the connection, however, between that and Indonesia's policy toward Malaysia.

Mr. FLEMING (*Okanagan-Revelstoke*): But, surely Mr. Mikoyan was speaking for Russia, not red China.

Mr. MARTIN (*Essex-East*): Excuse me. Well, Mr. Mikoyan was in Indonesia. I need not speak of the nature of the Russian-Chinese dialogue. I can very well suspect that there could be many reasons for Mr. Mikoyan going to Indonesia. It might be that they feel that Indonesia would be closer to the Chinese peoples republic than it is to the Soviet union. I do not know. I have my own views about that, but that could be one of the reasons.

Mr. FLEMING (*Okanagan-Revelstoke*): Is this going to have any bearing on Canadian consideration of the problems of Malaysia and lead to some decision by Canada to assist Malaysia to resist the threats both of Indonesia and this offer of support by Russia in respect of the Indonesia promise to crush the federation by January 1 next.

Mr. MARTIN (*Essex-East*): We are concerned, as a member of the commonwealth, with the position of Malaysia. As I said, the head of the government of Malaysia, is in London now on the prime ministers conference, and he is coming here within a few days. It might be of interest to hear what the Prime Minister said in London on this subject. He was asked at a press conference on July 7 whether Canada is prepared to give Malaysia the aid it was seeking, to which the Prime Minister replied:

We are spread pretty thin in terms of men for international peace keeping service, with men in almost every area of the world where there are these operations. We should, however, do what we could to help in strengthening Malaysia's defence in terms of training and equipment. But, there is a limit to what a small country could do.

Beyond that I cannot go.

Mr. FLEMING (*Okanagan-Revelstoke*): Are we not in a position because of the phasing out operation of a number of our mine sweepers and submarines and other vessels of the Royal Canadian Navy to make some of these available to Malaysia to protect its coasts?

Mr. MARTIN (*Essex-East*): I cannot usefully answer that question.

Mr. FLEMING (*Okanagan-Revelstoke*): We do have available certain types of vessels which would not strain our reserve.

Mr. MARTIN (*Essex-East*): I would prefer if you asked that question of the competent minister.

Mr. KLEIN: Is Malaysia not a member of SEATO?

Mr. MARTIN (*Essex-East*): No.

Mr. HERRIDGE: I have one question to ask the minister. Is Canada giving Pakistan any military assistance in the nature of scientific or technical advice for its armed forces?

Mr. MARTIN (*Essex-East*): Canada is now discussing with Pakistan certain matters of interest.

Mr. HERRIDGE: We have no scientific advisers in Pakistan?

Mr. MARTIN (*Essex-East*): There have been scientific exchanges. There have been with Pakistan as there have been with India.

Mr. HERRIDGE: There are no Canadian personnel in Pakistan advising the defence forces of Pakistan?

Mr. MARTIN (*Essex-East*): I do not know. I am not aware of that. I cannot answer that.

Mr. NESBITT: Mr. Chairman, if we are finished with questions in respect of China—other members may still have questions to put—before we get into another big field, such as Cyprus, I was wondering if we might consider adjourning. The minister has had a pretty long day and it is hot.

The CHAIRMAN: I am in the hands of the committee in this respect.

Mr. HERRIDGE: You mean the weather only.

Mr. NESBITT: Yes, I was referring to the weather. The minister has been remarkably cool, I think.

The CHAIRMAN: Is it the pleasure of the committee that we consult with various officers of the Department of External Affairs and be guided by what might be convenient to them and, of course, to members of the committee, who must also play a part in other important committees of the house, and perhaps permit this committee to be recalled at the call of the Chair within the next few days.

An hon. MEMBER: Agreed.

Mr. HERRIDGE: Do you mean sometime possibly next week?

The CHAIRMAN: Would that be agreeable without the necessity of calling together the steering committee?

Mr. BREWIN: Mr. Chairman, I thought the minister made a most interesting statement about Cyprus today. He also indicated that there are very important meetings taking place in the near future, and I am not under any anxiety—

Mr. MARTIN (*Essex-East*): They are taking place right now.

Mr. BREWIN: As I say, I am not under any anxiety to press the minister to enlarge on the subject at the present time. However, I would appreciate if the Chairman would keep in touch with the minister in respect of any further developments.

Mr. MARTIN (*Essex-East*): You also will be keeping in touch with me.

Mr. BREWIN: If there is at some future time an opportunity to go into that very important subject more fully I would like to do so. As a matter of fact, I would like to stay tonight.

The CHAIRMAN: Actually, Mr. Brewin, you had to leave the meeting to participate in the house this afternoon, and during your absence, as I recall the minister indicated that owing to the current discussions that have been taking place today, actually at this time, he was not in a position to go much beyond what he had stated, but that he would be pleased to be available shortly.

Mr. NESBITT: The minister will be returning before the committee.

Mr. BREWIN: I am sorry but I did not hear that. If I had I would not have wasted your time.

Mr. MARTIN (*Essex-East*): What the Chairman has said is substantially what I had said. I did not mean by that that I am not willing now to answer questions in respect of the Cyprus operation, but I would reserve the right, as Mr. Brewin himself accepted, to decide that particular questions would perhaps have to wait.

The CHAIRMAN: Are there any questions you would like to put at this moment?

Mr. BREWIN: No, I do not want to. I did not know that arrangements had been made. I think this a very sound arrangement and I accept it entirely. While you are mentioning the subject I would like to add, that, as one member here, I would like to give whatever support I can to what I understand to be the view of the minister and, notwithstanding any difficulties there may be, we wish to support him in his continuing discussions. The minister mentioned three possible courses and, from my point of view, the selection

made was one which I certainly would not criticize at all. As one member I just wanted to say that I give full support to the minister on this matter.

Mr. NESBITT: The minister will be returning to appear before the committee because there are matters other than the Cyprus matter about which we might like to ask questions of the minister.

The CHAIRMAN: That will probably be sometime next week at a time that does not conflict too greatly with other committee obligations. Is that agreeable?

Agreed.

The CHAIRMAN: Gentlemen, the meeting is adjourned.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 31

THURSDAY, JULY 16, 1964

Main Estimates and Supplementary Estimates (A) (1964-1965)
of the Department of External Affairs

WITNESSES:

The Hon. Paul Martin, Secretary of State for External Affairs; *From the Department of External Affairs:* Mr. A. E. Ritchie, Deputy Under-Secretary; Mr. B. M. Williams, Assistant Under-Secretary; Mr. A. J. Matheson, Head, Finance Division.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Aiken,
Brewin,
Brown,
Cadieux (*Terrebonne*),
Cameron (*High Park*),
Chatterton,
Choquette,
Deachman,
Dinsdale,
Dube,
Fairweather,

Forest,
Gelber,
Gray,
Herridge,
Jones (Mrs.),
Kindt,
Klein,
Knowles,
Konantz (Mrs.),
Lachance,
Langlois,

Laprise,
Leboe,
MacEwan,
Macquarrie,
Martineau,
Nixon,
Nugent,
Patterson,
Pugh,
Regan,
Richard—35.

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee

ORDERS OF REFERENCE

WEDNESDAY, July 15, 1964.

Ordered,—That the name of Mrs. Jones be substituted for that of Mr. Fleming (*Okanagan-Revelstoke*) on the Standing Committee on External Affairs.

THURSDAY, July, 16, 1964.

Ordered,—That the name of Mr. Aiken be substituted for that of Mrs. Casselman on the Standing Committee on External Affairs.

Attest.

LÉON J. RAYMOND,
The Clerk of the House.

MINUTES OF PROCEEDINGS

THURSDAY, July 16, 1964.
(56)

The Standing Committee on External Affairs met at 9.45 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Konantz, and Messrs. Brewin, Brown, Chatterton, Deachman, Dinsdale, Fairweather, Forest, Gelber, Gray, Herridge, Kindt, Knowles, Laprise, Leboe, Matheson, Nesbitt (17).

In attendance: From the Department of External Affairs: Mr. A. E. Ritchie, Deputy Under-Secretary; Mr. B. M. Williams, Assistant Under-Secretary; Mr. A. J. Matheson, Head, Finance Division.

The Chairman drew attention to the fact that during the Columbia River Treaty hearings, the Committee had printed 2,000 copies in English and 500 in French of the Minutes of Proceedings and Evidence but that that number of copies in English was in excess of present requirements. Thereupon, on motion of Mr. Deachman, seconded by Mr. Fairweather, it was

Resolved: That the Committee cause to be printed 750 copies in English and 500 copies in French of the Minutes and Proceedings and Evidence.

It was moved by Mr. Chatterton, and seconded by Mr. Fairweather, that this Committee authorize the purchase of 104 sets of the Columbia River Treaty White Paper and the Presentation Paper in order to permit distribution of two sets to each Canadian university. (52 universities).

Mr. Gelber, seconded by Mr. Fairweather, moved that the motion be amended to permit distribution to the Canadian Institute of International Affairs and the libraries of the Provincial Legislatures.

The motion, as amended, was carried.

The Committee resumed consideration of Item 1 of the Estimates of the Department of External Affairs and questioned Mr. Ritchie thereon. Mr. Ritchie tabled a paper for information of the committee containing explanatory notes on the various items in the Estimates.

Item 1 was allowed to stand.

Mr. Ritchie, assisted by Mr. Williams, was questioned extensively on the operations of the Department at home and abroad, and the following items were called, discussed and carried:

Item 5—Representation Abroad—Operational.

Item 10—Representation Abroad—Construction, acquisition or improvement of buildings, works, land, equipment and furnishings.

Item 10a—Acquisition of Communications Equipment.

Mr. Ritchie was questioned on Item 15—Contributions to International Multilateral Economic and Special Aid Programs, and since other items were related, the following items were called for concurrent discussion:

Item 15a—Contribution to Greece of Canadian Food Products, and Contribution towards the Refugee Program of the Inter-Governmental Committee for European Migration,

Item 20—Other payments to International Organizations and Programs,

Item 20a—Payment to the International Civil Aviation Organization,

Item 25—Assessments for Membership in International (including Commonwealth) Organizations.

Some members having indicated that they had additional questions to direct to the Minister, the Chairman agreed to ascertain if the Minister would be free to attend for a short time during the afternoon sitting.

At 12.10 p.m. the Committee adjourned until 3.30 this date.

AFTERNOON SITTING

(57)

The Committee reconvened at 3.40 p.m. this date, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Jones, Mrs. Konantz and Messrs. Brown, Cadieux (Terrebonne), Deachman, Dinsdale, Fairweather, Forest, Gelber, Herridge, Matheson, Nesbitt, Patterson—(13).

In attendance: The Honourable Paul Martin, Secretary of State for External Affairs: *From the Department of External Affairs:* Mr. A. E. Ritchie, Deputy Under-Secretary; Mr. Ross Campbell, Assistant Under-Secretary; Mr. B. M. Williams, Assistant Under Secretary; Mr. A. J. Matheson, Head, Finance Division; and Mr. J. Hadwen, Special Assistant to the Minister.

The Chairman welcomed Mrs. Jones, newly-elected member of Parliament, who had just been appointed to the Committee.

The Committee resumed consideration of Items 15, 15a, 20, 20a and 25. The Minister was questioned and was assisted by Mr. Ritchie. The items were carried.

The following items were called, discussed and carried:

L12a—Loans to the Government of India.

L13a—To provide advances for medical expenses to posts and to employees on posting abroad.

The Committee reverted to consideration of Item 1 and the Minister made a general statement on aid to Commonwealth developing countries, to other members of the Colombo plan, to the units of the former West Indies federation and to independent French-speaking countries in Africa and South-East Asia. The Minister was questioned, assisted by Mr. Ritchie.

The following item was called, discussed and carried:

Item 1a—Departmental administration: Telephones, Telegrams and Other Communication Services; Acquisition of Equipment; Gifts to commemorate the independence of Nigeria, Tanganyika and Kenya.

The questioning continuing, the Minister withdrew and the Committee questioned Mr. Ritchie.

Item 1 was allowed to stand.

The Chairman announced that Mr. H. A. Moran, Director General of the External Aid Office would be available to the Committee on Tuesday during consideration of the items pertaining to External Aid, and it was hoped that Mr. A. D. P. Heeney, Chairman of the Canadian Section of the International Joint Commission, would be present on Wednesday.

At 5.35 p.m. the Committee adjourned until Tuesday, July 21, 1964, at 3.30 p.m.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

THURSDAY, July 16, 1964.

The CHAIRMAN: Gentlemen, I see a quorum. May I have first of all a motion with respect to the printing of our minutes of proceedings. I think a motion would be appropriate. In accordance with our earlier experience, prior to the hearings on the Columbia, we would be printing 750 copies in English and 500 copies in French of our Minutes of Proceedings and Evidence.

Mr. DEACHMAN: I so move.

Mr. FAIRWEATHER: I second the motion.

The CHAIRMAN: It has been moved and seconded that we print 750 copies in English and 500 in French of our Minutes of Proceedings and Evidence. Is the motion agreed to?

Motion agreed to.

There is one other matter which was discussed some time ago from the standpoint of the wisdom of making available to the university libraries across Canada copies of the proceedings of the Columbia river hearings which I think had 50 sittings in all. There is an interest in this, and sets have now been prepared. But in order to complete those sets we would require 104 sets in English and French, in order to service the 52 universities, in Canada, of the Columbia river white paper and of the presentation before the committee.

This would permit distribution of the two sets to each Canadian university, and to certain universities thereafter who make a request for them, if they have several schools which might be interested in them. This would cost \$624. We cannot obtain this material unless it is in fact purchased by our committee. I mean purchased from the queen's printer who has them available. Therefore I would be happy if someone was prepared to move accordingly.

Mr. FAIRWEATHER: Does this mean just the white paper?

The CHAIRMAN: The whole set. It includes the proceedings before this committee. They are available now, but they will be destroyed at the end of this session because of the lack of space. So if we are to get them out to the universities generally, and if the universities should wish to receive additional copies, let us say ten sets for their libraries, and some of them perhaps will so wish, we would be able to accommodate them provided we knew about it early enough. I have received letters from several universities already. It is in order to make the sets complete that we would need this additional material.

Mr. GELBER: Would you include in that the library of international affairs at Hart House. There are specialists there in international affairs, and a lot of research people.

The CHAIRMAN: It is agreeable?

Mr. NESBITT: I think it is a splendid suggestion.

Mr. FAIRWEATHER: What about the legislative libraries across the country? Would they not be interested also? There are only ten of them.

The CHAIRMAN: If Mr. Fairweather would like those people to receive the sets, they may do so now rather than later on.

Mr. FAIRWEATHER: I wondered if they would be getting them.

The CHAIRMAN: Might I ask that we be permitted to amend the request in order to meet the requirements?

Agreed.

Mr. KINTD: You say it would cost about \$624?

The CHAIRMAN: Yes, but that would not include these additional libraries.

Mr. KINTD: That would come out of the appropriation of the department before this committee, I mean, it would be included as part of the work of this committee?

The CHAIRMAN: That is right. It is paid to the queen's printer, and it is my understanding that of these documents are not actually picked up, in due time they have to be destroyed anyway, so that the government is out of pocket in the long run. Therefore, we are offering them to the libraries at this time.

Mr. KINTD: Some time ago the Chairman and I talked about this matter and I wrote him a letter suggesting that the thing he now mentions be done. It seems to me that it would be a shame to have these documents burned or destroyed. I am glad to see that he is going ahead with it.

The CHAIRMAN: I am grateful for that interjection. You will appreciate that we are really at this stage only sending two sets to each institution in Canada. But when you consider an institution such as the University of Toronto which has a school of engineering, a school of political economy, a law school, and so on, the number of sets we are sending might prove to be entirely inadequate, so that we might have to come back to the committee shortly and ask for additional assistance in order to make more sets available to them. Is it agreed that this be passed?

Agreed.

We are again on item I. of the estimates.

Department of External Affairs

1. Administration, operation and maintenance including payment of remuneration, subject to the approval of the governor in council and notwithstanding the Civil Service Act, in connection with the assignment by the Canadian government of Canadians to the staffs of the international organizations detailed in the estimates (part recoverable from those organizations) and authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of those organizations of such expenses, and authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of commissioners (international commissions for supervision and control in Indo-China), Secretaries and staff by the governor in council; official hospitality; relief and repatriation of distressed Canadian citizens abroad and their dependents and reimbursement of the United Kingdom for relief expenditures incurred by its diplomatic and consular posts on Canadian account (part recoverable); Canadian representation at international conferences; expenses of the Third Commonwealth Education Conference; a cultural relations and academic exchange program with the French community, and grants as detailed in the estimates, \$10,826,300.

Unless the committee should direct otherwise I propose to open the meeting on item No. I, since Mr. Leboe has one question.

Mr. NESBITT: When is it expected that the minister will be with us again?

The CHAIRMAN: Mr. Martin will be available when we wish to have him. I think it would be next week, if the committee so desires.

Mr. NESBITT: The reason I inquired is that I understood he would be back with us at this meeting, since there were a number of items discussed in his general statement that we did not have an opportunity to go through.

The CHAIRMAN: Mr. Martin indicated that he would be pleased to be back as soon as the committee wished to continue. For that reason we may now leave item No. I open.

I am starting with item No. I, and then if it is agreeable to the committee we shall proceed to items, numbered 5, 10, and so on, in order to make as much progress with our estimates as we can since we have with us the deputy under secretary of state for external affairs with his principal advisers. Our witness today, of course, is Mr. Ritchie.

Mr. LEBOE: I have one question. The member for Red Deer asked a question in the house yesterday about a permanent secretariat for the commonwealth being established here in Ottawa. I wonder if there is any information which might be given on that proposal at this time?

Mr. A. E. RITCHIE (*Deputy Under Secretary of State for External Affairs*): I am not able to report on the details of what may have happened in the London discussion. As you know, the Prime Minister and his party will be back tonight, and I believe the Prime Minister intends to report to the house tomorrow on what took place there. The most I could say at this time would be to read to the committee the paragraph in the final communiqué issued late yesterday concerning the prime ministers' meeting. It reads as follows:

Finally, they were anxious that some permanent expression should be given to the desire, which had been evident through their deliberations, for closer and more informed understanding between their governments on the many issues which engage their attention and for some continuing machinery for this purpose. They therefore instructed officials to consider the best basis for establishing a commonwealth secretariat, which would be available *inter alia* to disseminate factual information to all member countries on matters of common concern; to assist existing agencies, both official and unofficial, in the promotion of commonwealth links in all fields; and to help to co-ordinate, in co-operation with the host country, the preparations for future meetings of commonwealth heads of government and, where appropriate, for meetings of other commonwealth ministers. This secretariat, being recruited from member countries and financed by their contributions, would be at the service of all commonwealth governments and would be a visible symbol of the spirit of co-operation which animates the commonwealth.

Those are the terms in which the matter was dealt with by the commonwealth prime ministers. The question of the location of the secretariat which might be established does not seem to be dealt with in that paragraph.

(Translation)

Mr. LAPRISE: Have you any copies in French of the paper circulated regarding the Estimates?

(Text)

The CHAIRMAN: Mr. Ritchie deplores the fact that these are not available. This apparently was prepared quite late. Actually there was some discussion whether these were really useful in the hands of the members or would be simply confusing. Mr. Ritchie, prior to the opening of the meeting, suggested that it might be wise to put this material in the hands of those members who might care to refer to it simply in order to avoid questions that might be self-evident on this paper. I am referring, of course, to the sheets which have been passed around containing extended notes on the various votes in the estimates.

Mr. GROOS: Could the items be followed in the blue book?

The CHAIRMAN: They are extended.

Mr. RITCHIE: They appear in the same order, but there is some rearrangement of the figures to show increases and decreases. There are also explanatory notes which I thought might be of value to you. We prepared these, but we did not know if the committee would wish to have them. And in the time available, we were not able to arrange for a French translation.

Mr. GROSS: Could the items be followed in the blue book?

The CHAIRMAN: If you would be kind enough to take each item as we go through it, we might leave item No. 1 and go to item No. 5. Mr. Ritchie would be able to dilate on any of these sections with the details contained in the paper. Is that agreeable?

Item stands.

5. Representation abroad—operational—including authority, notwithstanding the Civil Service Act, for the appointment and fixing salaries of high commissioners, ambassadors, ministers plenipotentiary, consuls, secretaries and staff by the governor in council, \$14,679,000.

Mr. GELBER: Mr. Chairman, I would like to ask Mr. Ritchie this question. We always seem to be accepting new obligations and new responsibilities. I wonder if the facilities which we make available to the department for personnel are adequate, or anywhere near adequate, to meet the tasks which we give to the department to perform.

Mr. RITCHIE: Mr. Chairman, I am sure that no department would ever admit that the resources available to it were entirely adequate. The fact that we have been taking on—as Mr. Gelber indicates—increased functions and extended responsibility in different parts of the world is reflected in the increase in this particular item of estimates, where there is an increase of about \$1¼ million. Whether this estimate provides adequately for the financial requirements needed to meet all the obligations we have assumed abroad is difficult for us to say. It is our best judgment of the minimum amount required for salaries, allowances, and the operating cost of our numerous missions abroad—it is the minimum estimate—and whether it will turn out to be an exactly correct figure or not, it is not possible to say for certain. But we believe that with this amount the department can perform the functions which it has undertaken abroad.

Mr. GELBER: In view of the fact that we have missions in countries so dissimilar from our own in terms of living, I wonder whether there might be special difficulty in obtaining personnel for some of those missions, and whether the economic rewards are adequate.

Mr. RITCHIE: I would be less than honest if I did not admit that it is becoming more and more difficult to interest personnel in service abroad. This is partly because conditions of life in our own country tend to be pretty attractive; secondly, as our representation abroad is extended, it necessarily involves more and more countries whose economies are in the process of developing, and where conditions of life are not by any means as comfortable and healthy as they are at home; and also I might say where the educational requirements for one's children are more difficult to meet. This is undoubtedly a real problem, one which is perhaps more acute in our department in this stage of its development than perhaps it was at an earlier stage because of the extension of our services abroad, and also because of the growing up of the families of officers in the department, where educational problems in particular may become more pronounced.

So what is suggested by the question regarding the problems involved in inducing people—competent people—to serve abroad—has certainly been borne out by our experience. We have tried—and this is reflected in part in the estimates for this item—to make more adequate provision in several respects to help to bring conditions of life for those serving abroad a bit nearer to those which an officer might expect for himself and his family when serving at home. We have been doing this particularly in respect of education, and also in some other respects we have endeavoured to improve service abroad. But there still remains a very real problem, and I am sure that my col-

leagues would bear me out on the difficulty of maintaining or exciting the interest of officers in the department in serving abroad with their families.

Mr. KINDT: I wonder if you could give us a program in respect of that \$25,131,000 of additional amount which will be needed under vote 35?

The CHAIRMAN: We are on item No. 5 at the moment, Mr. Kindt.

Mr. KINDT: If you wish, I shall defer my question.

Mr. HERRIDGE: Let us take them in order.

The CHAIRMAN: Can we not hold that? I have Mr. Gelber, then Mr. Fairweather, and Mr. Nesbitt.

Mr. GELBER: Your problem of recruiting as compared to all other government departments is unique because you are asking your people to adopt a career abroad in surroundings which are often totally different, or almost totally different to the surroundings with which they are familiar. I realize it is more difficult now than it was before the war. But are there economic inducements that we should be offering and that we are not offering? We are offering inducements to school teachers from my own province, and they are quite generous inducements. I wonder if we are doing enough to make this an attractive career, such as obtains for people in business and in government?

Mr. RITCHIE: The only way we can tell if we are doing enough is to see whether our people are continuing to volunteer, to allow themselves to be recruited for the Department and then to show a readiness to serve abroad. The fact is that recruitment in the recent competition went remarkably well. In fact, in several respects it was more productive than competitions in previous years. I would not want to exaggerate the progress, but there seems to have been somewhat greater interest at least on the part of young graduates of universities. This is reflected in the most recent figures. This may be because of the innocence of youth. It may be that once they are in the department they will discover that service abroad is not as attractive as they had expected, and they might become somewhat discouraged. But it is to help to avoid that kind of reaction and to take care of the basic needs of the family that we have made the sort of provision that is made in this particular vote.

Whether this is adequate financial inducement to get the right number of the right kind of candidates in the department, and to get them to serve cheerfully abroad, is difficult to say. But what is proposed in this estimate is at least a further small step in the right direction in affording rather better provision in certain respects for the families serving abroad in connection with education and certain other basic needs. Whether this is a sufficient inducement to compete with other attractive alternatives open to young graduates, is hard to say. I do not think one is ever going to be able to say that simply on the basis of pecuniary attraction we can get the kind and number of people that will be needed in the kind of service which external affairs endeavours to run. It will still require a bit of a spirit of adventure on the part of the people who enter into the service, but that does not mean that we should not do as much as we can to bring about a reasonable increase in the attractions of the service.

Mr. GELBER: Does that spirit of adventure diminish? Are you suggesting that at all? Do you have a problem to hold the people once you have recruited and trained them, or do you find your people seeking other careers? Is that any problem with you?

Mr. RITCHIE: Some people do move out into other occupations. But that happens in other departments as well. I gather that the actual turnover in our department is by and large less than the average for the civil service as a whole. But there is a turnover in the sense of departure from jobs in the department. We have certainly provided a good number of very competent persons who are now serving in other departments.

Mr. GELBER: In the world's fair?

Mr. RITCHIE: Some have left for the universities, for the professions, or for private business or the fair, but this has not involved a greater "wastage" in our department that is normal for the public service.

Mr. FAIRWEATHER: Might I be permitted to ask a question having to do with items numbered 5 and 10?

The CHAIRMAN: If it is agreed? Go ahead.

Mr. FAIRWEATHER: I wonder first of all whether the problem concerning the air conditioning system in Canberra has been solved? Does the treasury board now recognize that there are parts of the world which require such facilities?

Mr. RITCHIE: It has been pointed out to me that under the provision for capital projects there is included a new allowance of \$20,000 for air conditioning of the chancery at Canberra.

Mr. FAIRWEATHER: Are there any other chanceries or posts where these facilities would be withheld because of the treasury board?

Mr. RITCHIE: No, sir, so far as I am aware they have not been refused by the treasury board in any case where they have been applied for.

Mr. FAIRWEATHER: What about the capital building in New Delhi? We started it last year, and this committee was told that this is an early project. Is there any announcement to be made?

Mr. RITCHIE: Thirty six thousand dollars has been spent on the site to date.

Mr. FAIRWEATHER: Was that for the acquisition?

Mr. RITCHIE: No, sir; \$208,000 was the cost for the site, and we have spent \$36,000 to date for improvements in the site.

Mr. FAIRWEATHER: I wonder, after the building has started to be built, how it will run.

Mr. RITCHIE: There is provision in this estimate for an amount to get it started.

The CHAIRMAN: This is another estimate.

Mr. RITCHIE: Yes, but the architectural drawings are in process of being completed now. These have to be finished before actual work on the building proper gets under way.

Mr. KINDT: What is to be the total cost of the building when it is finished?

Mr. RITCHIE: We have it here, just a moment. I think it is \$1,125,000, but we had better be certain. The total cost of the project is \$1,250,000 for which we are only providing this year \$100,000 in these current estimates; but the total eventual cost is to be \$1½ million.

Mr. FAIRWEATHER: What is the \$100,000 for?

Mr. RITCHIE: This finishes off the payment of the architects, and it enables the start of the work, on the site. Of the \$1½ million, \$100,000 will not carry it very far above ground. But we thought it was a realistic estimate of what could be done in the current year, given the time table for the completion of the architects' plans.

Mr. KINDT: What is the location of this building?

Mr. RITCHIE: It is in New Delhi, in an enclave established for the diplomatic corps.

Mr. FAIRWEATHER: I have only one other question. I wish to ask the department for a thorough answer on the dissemination of news to our posts around the world. When I asked this question last year, I was not convinced a bit by the answer I received, but I respected it. I note, and I am sure the deputy minister must note this, and his officials, that there has been great frustration overseas because of the lack of news facilities. For instance, in

the Far East they get the C.B.C. news three or four days late by air mail from Rome; but with the advent of telecommunications I wonder if some type of plan or program might not improve this facility. I have heard about it so many times from your officers.

Mr. RITCHIE: I will probably find myself giving the same answer as Mr. Fairweather has had before. It is in fact the answer that at the present time, in addition to the cabled C.B.C. news, we are supplying the most expeditious means in existence, namely, by means of air transport, abbreviated editions of the *Ottawa Journal* and *Le Devoir* to all our missions. This is being done by air mail, and it is being done rapidly, with the result that in Europe now these papers arrive overnight. In the case of other posts admittedly there has to be some delay, but we try to make the distribution as rapid as possible. We are also discussing the matter with the air lines people and we may possibly be able to improve the arrangements to get information regarding current developments in Canada distributed to our missions abroad more quickly, but we have not yet reached the point where we can say anything specific about it. We are conscious of the feeling, on the part of persons stationed abroad, and travelling abroad, that it is difficult to keep in close touch with what is happening in Canada, and we are doing what we can to remedy the situation.

Mr. FAIRWEATHER: Arising out of that answer, I should like to know whether there would be any area of useful co-operation here between the United States and ourselves in this regard. I have heard the complaint that United States officers, for instance, fill in Canadians on news from home. Perhaps if we made an arrangement, not on an ad hoc basis but on an established basis, this would solve the problem. This is an area that knows no boundary, it seems to me, and I refer, of course, to the dissemination of news.

Mr. RITCHIE: Certainly the United States or other information services may let our people abroad have information which they are putting out or making available to their missions abroad. This is not as a result of any formal arrangements.

Mr. FAIRWEATHER: They have a sophisticated system of advising their people of world news and I wondered whether we could hook onto the end of this system on a rental basis, for example.

Mr. RITCHIE: I am confident they would not be prepared to provide us with time on their wires on an equal footing except at the ordinary commercial cost. If the service was not on an equal footing I am afraid our news might be as much delayed as it now is. If it were on the same footing and we provided this kind of service to all our missions in the world I am told the commercial cost would be something in the order of \$1,500,000.

Mr. FAIRWEATHER: That was the figure you gave in a very interesting letter and I thought it would represent \$1,500,000 well spent. That has not been approved by the government as yet.

Mr. RITCHIE: We are endeavouring to solve the problem by these other arrangements we have been discussing, and we think this will work out satisfactorily. Perhaps I should have said, if I may now say it, Mr. Chairman, as supplementary to my answer to Mr. Fairweather's question, you will see in the estimates that we have made provision for improving the rapid communications between headquarters and our missions abroad. This will in itself, of course, facilitate the transmittal to our missions of summaries of press and editorial information and comment from Canada. So the improvement in our own departmental communications or governmental communications, would in itself contribute to more rapid transmission of news to our missions abroad.

Mr. FAIRWEATHER: I do not intend to keep the floor but there is one other thing in this same area that might be investigated. That is, when our various

groups of parliamentarians go abroad to many of the countries of the commonwealth news from home is provided. It is our experience that this was not done for our people and we were quite unhappy about it. For instance the Australians and New Zealanders received a small summary of the news from home every day through their chancellor or high commissioner, and parliamentarians find news as interesting as anyone else.

Mr. RITCHIE: That situation may have occurred in an area where Australia and New Zealand communications are better and closer than ours. That may be the explanation for the situation. Normally, I think our missions abroad, when there is a visiting delegation of whose presence they are aware, see to it that whatever they hear from home about news developments is made available to such delegation in the form of a C.B.C. news summary or in whatever form it comes to them. However, in certain areas, such as southeastern Asia, obviously New Zealand and Australia are in a better position to pass on information to their delegation members through their missions than we are through our more distant missions.

Mr. FAIRWEATHER: I am not suggesting this in a critical way, but I have heard complaints from people in various places, and I realize that in respect of southeast Asia it could not be expected, but is this practice followed, for example, in respect of NATO groups?

Mr. RITCHIE: If I may say so, these are certainly very helpful comments and we will see that they are drawn to the attention of our missions abroad. This is a matter we would clearly wish to leave, of course, to the local missions to arrange, but we will certainly draw their attention to the fact that there is this interest in receiving current news when visiting delegations are in their capitals.

Mr. GRAY: Perhaps I could make a comment in clarification of something Mr. Fairweather has said. My experience in respect of NATO meetings in Paris has been that this information has been made available. My only comment is that perhaps the information, as Mr. Fairweather has suggested, could be kept more up to date. I can say from personal experience that our NATO delegations did in fact make C.B.C. summaries available.

Mrs. KONANTZ: I should like to ask one supplementary question in respect of literature on Canada at our various missions. For instance in the high commissioner's office in Tokyo, in the waiting room, I was horrified to find very old magazines and trade bulletins such as the C.N.R. *Spanner* or the C.P.R. *Spanner*; whereas in another mission, at Cape Town, I found everything one could possibly expect to find on Canada. I wondered whether there was a pattern laid down by the Department of External Affairs in respect of each mission having certain literature on Canada. I think this is very valuable.

The CHAIRMAN: Perhaps we should send them a set of our Columbia river hearings.

Mr. NESBITT: That would give them a thrill.

Mr. HERRIDGE: You are asking for trouble.

Mr. DEACHMAN: May I ask a supplementary question?

The CHAIRMAN: I hope we do not get too far away from Mr. Nesbitt.

Mr. NESBITT: I have endless patience.

Mr. DEACHMAN: I just wondered whether there was a teletype or telex communication between Washington and Ottawa, for example. Do you maintain a telex or teletype communication between Washington and Ottawa?

Mr. RITCHIE: There is a leased line between Ottawa and our mission in Washington.

Mr. DEACHMAN: Is that a telex or teletype line?

Mr. RITCHIE: I believe it is a teletype line.

Mr. DEACHMAN: Do you maintain teletype communications to any other centre?

Mr. A. J. MATHESON: (*Head, Finance Division, External Affairs*): Most large centres do have lease lines.

Mr. RITCHIE: New York, Washington, London and the main centres in western Europe are all covered in much the same way.

Mr. DEACHMAN: Are they connected by a teletype system?

Mr. RITCHIE: That is right.

Mr. DEACHMAN: I have heard the statement made, and I do not vouch for it, that if Ottawa and Washington prepare a joint press release in respect of any matter, the United States information officers receive it on the teletype in the embassy here, or on whatever machine they are using at the embassy here, prepare a press release and deliver it to our press gallery before they can put out a press release. Would you comment in that regard?

Mr. RITCHIE: I imagine there have been odd occasions when something of that sort has happened for a particular reason. I would have thought that by and large our communication systems and method of handling such information are as expeditious as the United States system.

Mr. DEACHMAN: Are you cutting stencils right off your teletype in respect of press releases from Washington?

Mr. RITCHIE: We are doing that, sir. There is no delay in this regard. I believe the process is exactly the same as that which is used by the United States information service.

Mr. DEACHMAN: They are cutting stencils right from their machine and running the releases immediately.

Mr. RITCHIE: That is right.

Mr. NESBITT: I should like to deal with a subject which has been referred to earlier by another member of the committee, Mr. Chairman, in respect of educating children of families who are living in areas which are unfavourable perhaps by our standards. I have in mind isolated parts of the world and tropical areas. Can you tell us what are the present methods of educating the children of families living in those areas? Is there an allowance made, for example, to educate children of those families, or to educate those children in the areas of the postings to the standards of education in Canada? To what extent are extra allowances provided?

Mr. RITCHIE: Mr. Chairman, if I may I will ask Mr. Williams, the assistant under secretary concerned with the administrative and personnel side of the department to answer this question in more detail. Generally the situation is that allowances are provided for officers serving abroad to meet or at least partially meet the cost of educating their children up to and including grade 13. Whether the education is obtained in Canada or at a school nearer to the base is a matter which is dependent upon the individual case.

Perhaps Mr. Williams could add to that information.

Mr. B. M. WILLIAMS (*Assistant Under Secretary of State for External Affairs*): I think Mr. Nesbitt is aware that we have wrestled with this problem for some time. The problem of educating children has been difficult and is becoming more difficult simply because the age group is advancing. The department, along with trade commissioners of the Department of Trade and Commerce, have made some considerable headway in this regard. At the present time the deputy head of a department, in our case the under secretary, has the authority to authorize an educational allowance, or payment for educational fees, in the amount of \$800 per year. Costs beyond that, from \$800 up to \$1,300 per year require treasury board authority.

Mr. NESBITT: You are referring to the per student cost?

Mr. WILLIAMS: I am referring to the per student cost, Mr. Nesbitt.

There are conflicting situations in respect of the education of young people. Some families insist on having their children with them throughout the whole period of their education. If that is the case, and they insist upon having the children attend local schools regardless of where one may be posted, it is inevitable, I think, that the standard of education received by the children will probably be less satisfactory in a great number of countries. On the other hand, there are parents who, and rightly so, feel that their children must be educated in Canada.

With our present arrangements I think we can meet most of the departmental requirements. At one time there was a flat rate of \$400 for the educational cost per child.

Mr. NESBITT: How long ago did that situation exist?

Mr. WILLIAMS: I would say that existed approximately three years ago. I believe it existed three or four years ago. I think we have made real strides in this question of educational allowances, although I would be the last to suggest we have solved all the problems because, of course, we have not. Certainly in respect of parents who have kept their children in boarding schools in Canada, for instance, they find that the \$1300 does not cover all of the charges they encounter. However, on the other hand, parents resident in Canada all the time have to meet charges in respect of education. There has to be a certain amount of leeway allowed.

Mr. HERRIDGE: Perhaps I could ask a supplementary question.

Mr. NESBITT: Yes.

Mr. HERRIDGE: What would be the highest salary received by a person abroad who is taking advantage of this educational allowance, and what is the highest number of children being assisted under this arrangement in that highest salary situation?

Mr. WILLIAMS: I may have misunderstood Mr. Herridge's question, but the allowance is not tied to salary in any respect.

Mr. HERRIDGE: I just want to know the highest salary now being paid to an official abroad who is drawing this allowance in respect of his children.

Mr. WILLIAMS: Our highest group is the foreign service officer grade 10. Perhaps I could take an average at the top level, Mr. Herridge. I would think the salary is about \$18,500, with possibly two children. I am trying to strike an average in the highest level, and tie in the number of children involved.

If I am allowed to answer your question in this way, I would say that taking an average the salary would probably be about \$11,000 or somewhere between \$11,000 and \$12,000 involving a family with 3.5 children.

Mr. CHATTERTON: I would like to see that family.

Mr. HERRIDGE: I should like to ask a supplementary question in that connection and I ask it in view of the obvious monastic dedication of the Department of External Affairs. With a view to reducing the cost of education in respect of this situation, has consideration ever been given to sending single men to these smaller remote missions, using them as a training ground before these single men are sent to some of the larger missions where educational facilities are available?

Mr. RITCHIE: Mr. Williams is a single man and he has served in many of the foreign posts where educational costs would have been high in the case of an officer with a family. I think health conditions and conditions of living probably enter more than educational costs into the judgment regarding whether a person to be sent to a particular post should be one who is single or married with a family.

Mr. FAIRWEATHER: Perhaps we could put the question the other way. You would not ever decide against sending a married person to a particular mission because of the fact he was married; is that right? That would not be a consideration in your decision except in so far as health conditions affecting the family are concerned, is that right? You would not decide against sending a married man to a post, other than for health reasons, because being married with children the government would have to pay the cost of educating those children?

Mr. RITCHIE: We try to provide obviously the officers who are best suited to the particular job to be done at the particular mission, and if the best man is a family man he is usually the one that is posted. If there are certain conditions involved and a single man with the same qualifications as a married man is available, it may be that we would decide to send the single man.

Mr. HERRIDGE: I should like to ask another supplementary question.

The CHAIRMAN: I am afraid we are going to get into the field of asking supplementary questions to supplementary questions.

Mr. HERRIDGE: I had in mind the possibility of sending single men to posts of the type we have been discussing for perhaps two years on a rotation basis, which would not involve very great difficulty.

Mr. RITCHIE: That has happened in the case of Indochina. This is a case where short postings of single men, or men separated from their families for that posting, have taken place. This situation is also true in respect of a few other areas.

The CHAIRMAN: I think chivalry demands that we receive the answer to Mrs. Konantz's question, which has been bothering Mr. Ritchie, before we allow Mr. Nesbitt to continue. Following the answer to that question, I wonder whether we can limit the number of supplementary questions being asked. We do not have a long list of people wishing to ask questions and I am sure that everyone will have ample opportunity.

Mr. RITCHIE: I should like to answer Mrs. Konantz's question, although I am afraid my answer will not be completely satisfactory.

So far as government publications are concerned, regarding conditions in Canada and developments in Canada, we have made provision in our estimates for an increase in the amount of money available for providing such publications to our missions abroad. We are doing so for the reason Mrs. Konantz has mentioned, that much of the information that has been available to our missions abroad has been scanty or out of date. With this increased amount of money we are trying to make provision to supply more of that type of information to our missions abroad so that current information about Canada would be available to the local people or visiting people.

Perhaps I should mention some of the publications involved. A monthly bulletin is sent out containing factual information and bureau of statistics information. There is also distributed *Canadian Pictorial*, and *Canada From Sea to Sea*, with which you are probably familiar. There is another publication called *Facts of Canada* which is distributed, as well as a variety of other information publications of that type. Perhaps I should also mention *Young Readers Canada*, which is an information publication on Canada for younger people. Those are the kinds of information publications we are trying to make available to our missions in a more adequate and up to date manner.

In respect of non-official publications, we are attempting to provide a fair sampling of the most up to date publications from Canada to all our missions. However, we will never be completely up to date and we will never obtain complete coverage at every mission. We are trying to overcome the problem

Mrs. Konantz has mentioned, as I say, by this estimate in item 1 covering an increase in the amount of money to be used for that purpose.

Mrs. KONANTZ: Thank you very much.

Mr. LEBOE: Is it possible that the province of British Columbia is sending magazines such as *Beautiful British Columbia* to your department for distribution? That is a very well put together publication.

Mr. RITCHIE: Certainly where we do have travel bureaus, and that is not the case in many countries, I am sure they handle that kind of very attractive publication from the provinces. I doubt that any of the provinces are supplying this type of publication directly to our missions abroad, and we are not receiving them in the department for transmittal. There may be an occasional head of a mission who appreciates very much the beauties of British Columbia who has made sure that a publication of that sort is available at his mission, but there is no general provision for the dissemination of this kind of publication.

Mr. LEBOE: There is no general provision for that kind of transmittal?

Mr. RITCHIE: That is right.

Mr. NESBITT: Mr. Ritchie, in respect of missions at such places as Vietnam and Laos and the like, do foreign service officers receive any additional allowance because of the disagreeable mess of the climate in those, what we might call, hardship locations?

Mr. RITCHIE: Perhaps I could ask Mr. Williams to comment in this regard. There is nothing specifically identified as a hardship allowance. Perhaps Mr. Williams will indicate what the position is in regard to these places.

Mr. WILLIAMS: In reply to Mr. Nesbitt's question, Mr. Chairman, service with the mission in Indochina has been traditionally dealt with as a special assignment and because of this fact it has not been brought into the regular foreign service officer regulations for the purpose of allowances. There is, however, special provision for personnel serving with that mission to receive allowances. They are provided at cost to the mission food and lodging; they are given a per diem allowance and they are given assisted leave from Indochina. On completion of their tour of duty the majority of them take advantage of the special medical arrangements that have been made for people to be medically examined in Montreal.

Mr. NESBITT: Does a person serving with a mission in Indochina, or at least in the Asia area, which might be regarded technically as a special assignment, receive anything more in the way of allowances, for example, than a person serving in another kind of mission?

Mr. RITCHIE: I said there were no specific hardship allowances of this type, but there is a special post differential allowance, not with reference to Indochina, but with reference to some of the other established tropical and similar posts. In respect of there a distinction is made between the scale of allowances for such a post and the scale of allowances for what might be regarded as a more healthy post.

Mr. NESBITT: I am very pleased to hear Mr. Williams say that very considerable progress has been made in the field of education. This has been the subject of discussion by members of this committee over the years.

In respect of the question of allowances for foreign service officers abroad, I am sure most members of the committee realize that they have many responsibilities in respect of establishing contact with their opposite numbers and must do many things to accomplish that, depending on the special individual circumstances, including entertainment. I am not suggesting for one moment that a foreign service officer should be given carte blanche and allowed to spend government funds as he pleases, but there has always been a

problem in respect of the question of accountability for these allowances. My experience has been that these regulations have seriously hampered the operations of some of our foreign service officers. It is my understanding that this regulation, certainly up until a year and a half ago, has been very inflexible, making it very difficult, particularly for the more junior foreign service officer, to operate and make contact in order to obtain the information the job requires him to obtain. These regulations have made it difficult for these officers to establish personal relationships with their counterparts of friendly and often unfriendly countries in order that they can gain their support and assistance. Have there been any changes made in the last year or two in respect of the accountability for allowances?

Mr. WILLIAMS: In reply to Mr. Nesbitt's question, there has been no change made in the last year or two. The new allowance regulations came into effect I believe a little over two years ago. Under the allowances structure there is a direct representation allowance which is accountable. Ceilings for direct representation allowances have been established for each diplomatic level at each base abroad, and the entitlements are based on guest numbers and unit prices for each post, plus 25 per cent to cover the cost of entertainment other than that which falls within certain specified categories. An officer is reimbursed quarterly on an accountable basis. Other than this allowance for direct representation, Mr. Nesbitt, there has been no basic change in the last year and a half.

Mr. NESBITT: Of course one must have regard to the use of public funds in this way, but does the regulation which requires an officer entertaining a member of another mission at luncheon, for example, to put down the number of guests and the amounts involved still remain in existence?

Mr. WILLIAMS: I understand that regulation is still in existence, yes.

Mr. NESBITT: Have you received any representations from members of the department serving abroad in respect of these difficulties, or has the 25 per cent leeway, which has been in existence for some time, solved this problem?

Mr. RITCHIE: Mr. Chairman, I think it would be fair to say there have been comments received from abroad in both directions. Some people welcome the accountable system provided it results in more adequate allowances. Other people find the accountable system rather a nuisance and are not very enthusiastic about it. We have received comments both in favour and critical of the system.

Mr. NESBITT: Mr. Ritchie, do you think that if there was a greater degree of flexibility in these provisions it might be helpful to our foreign service officers in carrying out their duties?

Mr. RITCHIE: The present system represents what has been worked out with the offices generally concerned. Bearing in mind, as you suggest, that these expenditures involve public money, I think what has been arrived at, although not perfect, represents a reasonable compromise between the convenience of the person involved and concern for the use of the public funds.

Mr. NESBITT: Is this a problem? Is there a constant eye kept on this problem?

Mr. RITCHIE: There is a continuous review of the whole set-up. Yes, there is an interdepartmental committee which meets from time to time, but not continuously.

Mr. NESBITT: On the matter of policy respecting the representation of foreign service officers, what is the general policy of the department with regard to foreign service officers? Are they kept in the same sort of field of activity, or do you try to make specialists in certain fields such as in Latin American affairs, European affairs, or African affairs? Or is there still a

policy in the department of sending a person to a post, let us say, at Rio, and after he becomes familiar with it, then to Lagos, or Canberra, to enable him to try to acquire a sort of jack-of-all-trades background rather than to be a specialist only in one field? What is your policy in that regard?

Mr. RITCHIE: As happens so often in these cases, the policy is a bit of a compromise between a generalist and a specialist approach. I know of few cases where someone has been held to an area or to a particular subject more or less throughout his career. If this particular person seemed to have the qualities or background which would make him fitted for work in a different area, he would be quite freely transferred to that area, or to a different subject as the case may be. It is really a compromise between a generalized approach and a specialised approach.

If you look at particular divisions, I think the head of every division has tended to remain in that particular field for rather a long period of time. Yet you may find that his previous appointments were perhaps in quite a different geographical area or field. Throughout the department you may find this to be the case. In the senior level there may tend to be a bit of specialization, but not too rigidly. But mobility is affected by things such as language qualifications and highly specialised knowledge of some of the rather esoteric aspects of law or some other field. Apart from such limitations or mobility, it is a pretty mobile department, I would be inclined to say.

Mr. NESBITT: Perhaps it might be too mobile. In other words, in your view, and from your experience in the department, do you think it might be wiser to place greater emphasis on the development of specialists in some particular field? One encounters missions from other countries in which one find persons attached to them who have some speciality in foreign affairs.

Mr. RITCHIE: Other countries have had a similar dilemma to ours regarding the specialist or the generalist approach. In the United States Department, for example, sometimes one approach has prevailed and other times the other approach. It is in the nature of the foreign service that a person should be perhaps a little more adaptable and mobile than someone in the home service. Also, the person himself may not be too anxious to remain in a specialised field. He may be inclined to try out a different area, and this may fit in with the department's need for somebody in that area at that particular time. He might then move over for at least the time being.

Mr. NESBITT: Assume that someone is possessed of suitable qualities; if he should request a change in field of operations, would his request be given consideration by your personnel department?

Mr. RITCHIE: "Subject to the exigencies of the service", as we say, references are taken into account certainly. But one has to keep a fair degree of flexibility.

Mr. NESBITT: I have two more brief questions. One is this: when foreign service officers are posted abroad, what is their normal length of posting in any one place.

Mr. RITCHIE: Three and one half years would be the normal posting in a regular standard post but in some cases where it may be rather difficult for a Canadian and his family, the length of posting may be only two to two and one half years.

Mr. NESBITT: When a person has finished his posting, does he have an opportunity—subject to conditions, of course, because of the exigencies of the service—to come back to Canada to apprise himself of conditions and affairs in Canada before being sent to another posting? I have noticed and I have heard other members mention it, when they have run into a number of our officers posted abroad, that our officers seemed to have almost no knowledge of what is going on in Canada because they have not been able to get back

home for a brief visit over a number of years. I wonder whether, after being posted, it would be possible for person, before being sent to another posting, to be brought back here, let us say for six months, and given a greater opportunity to apprise himself of what is actually going on in Canada?

Mr. RITCHIE: In answer to Mr. Nesbitt let me say that our regulations very wisely provide for home leave at certain periods during a person's service abroad, just for the reason that Mr. Nesbitt mentioned. Normally persons being posted from one place abroad to another place abroad would have an opportunity to spend some time in Canada between postings.

Mr. NESBITT: How long a period?

Mr. RITCHIE: One's home leave of one month quite often may be combined with annual leave if it happens to fall at the same time. But of course the usual sequence is that when a person is stationed abroad for a period, he then will serve at home for a full term, which means that he is home for a while before going out to another country.

Mr. NESBITT: Do you make this your normal practice?

Mr. RITCHIE: This is more usual than the case of cross posting a person although the latter often happens to be more economical. Where possible we try to provide for him to come home on leave between his postings abroad.

Mr. NESBITT: My last question is this: perhaps this is not a fair question to ask Mr. Ritchie, but he will understand. In the United Kingdom are those who are attached to the foreign office there different? Do they come under the civil service commission in the United Kingdom, or do they not?

Mr. RITCHIE: In the United Kingdom they have a separate foreign service act. They have quite a different arrangement for the civil service generally. It is difficult to compare with our Civil Service Commission. I do not know the details of their arrangement.

Mr. NESBITT: But there is a difference in the United Kingdom?

Mr. RITCHIE: There is separate legislation there.

Mr. NESBITT: Do you think, in view of the question of recruitment, with your possibly requiring recruitments in a hurry, as Mr. Moran gave us an indication last year, it might be helpful? I am not suggesting that the Department of External Affairs be removed from the jurisdiction of the Civil Service Commission entirely or anything like that, but do you think that it might be helpful under the question of recruiting in a hurry, or under emergencies, if some more special arrangement was made with the Civil Service Commission in this regard?

Mr. RITCHIE: Well, the question of which is the most efficient way to recruit while still safeguarding the integrity of the service is a difficult one to answer. I do not know that we have any particular complaint about the extent of co-operation that we have received from the Civil Service Commission in recruiting or from the treasury board in opening up positions. We have been in discussion with them recently regarding additional personnel requirements and we have had a satisfactory outcome of those discussions. But getting a position is quite different from filling a position, with respect to the matter of filling, that is, of getting capable persons to fill positions speed may be a requirement, and perhaps our present basis is not perfect. But we are continually looking at it, with others concerned in the government service.

Mr. NESBITT: You do not feel it has been a serious impediment or difficulty to the department under the present circumstances and in view of the Civil Service Commission?

Mr. RITCHIE: I would not say that present procedures are perfect, but they are capable of modification and we are discussing possible ways of getting them improved. The idea of a single competition each year may not be the

best since it may miss some candidates who would have been available at other times. There may be other things we can do to improve recruiting procedures.

Mr. NESBITT: There is one thing on which I will be interested to hear Mr. Ritchie's comments. In view of the fact that perhaps the emphasis over the last number of years in Canada's activities in the field of foreign affairs has been the United Nations, I would like to make a suggestion for members of the committee to think about and give consideration to. I can say it because I am familiar with the operation, and I know that some of the other members of the committee, such as Mrs. Konantz, Mr. Brown and others, have certain familiarity with it. It is that when the general assembly of the United Nations meets after the presidential election this fall it might be worth while for members of this committee to attend the session of the United Nations for a week or so in order to get to understand their operations and to have an opportunity perhaps to hear from the secretary general or from the various under secretaries, as well as from members of our own mission. And at the same time, since Canada is taking such a very active interest in United Nations' affairs, perhaps more so than previously, if an opportunity were afforded to members to be present and to spend some time there, it might prove to be helpful to the members of this committee. I think I can say this more so than some other members of this committee because I have had some lengthy experience there. It is something which I would like the members of the committee to think about. I think it might prove to be very helpful because the United Nations is such a unique institution that their procedure is quite different and rather unfamiliar to members who serve on this committee.

Mr. KINDT: As a footnote I would like to endorse this suggestion most ardently. But I would suggest that it would be an encroachment upon our summer vacation, and we have only short time left, if we have any at all.

Mr. NESBITT: It does not open until November 10.

Mr. KINDT: Let us wait until the session gets into force again and not try to plan something so far in advance.

Mr. NESBITT: My suggestion was for after the session opens in November.

The CHAIRMAN: Perhaps we should give Mr. Ritchie an opportunity to make a comment. Oh, Mr. Ritchie says that he is listening intently, but desires to be cautious.

Mr. GELBER: Mr. Nesbitt was asking about the question of the administration of the department and the Civil Service Act. I wonder if the department has given any consideration to a recommendation made by the Glassco royal commission about giving larger power to the deputy minister with regard to handling personnel within his department, and whether any consideration in the department of External Affairs had been given to it.

Mr. RITCHIE: This is a question not involving just the Department of External Affairs. It is a matter affecting government service generally; and in that connection it is an appropriate subject for the bureau of government organization to turn its mind to. This has been happening, and they have been considering this recommendation. What may happen, I cannot predict.

Mr. GELBER: Has the department an opinion about it, or would you rather not care to answer?

Mr. RITCHIE: Well, I cannot express a departmental opinion on this. Obviously there are advantages from the point of view of simplicity in having more of a delegation of responsibility. There are also some hazards in having a delegation of responsibility of that sort.

Mrs. KONANTZ: Following what Mr. Nesbitt had to say and his suggestion about the United Nations I would like to draw Mr. Ritchie's attention to a

memorandum which was sent to Mr. Murray on the suggestion of sending a delegation to the United Nations. I would like to add something else to what Mr. Gelber has said. I have been particularly impressed in many cases with the high calibre of the personnel that we have in our missions, because I have had an opportunity to visit many of them, and I feel that the department is giving every consideration to making conditions for these people as pleasant as possible in areas where the cost of living is difficult for the members to face. Mr. Nesbitt did mention leaves, but I am sure that consideration is given to them in various countries, and also for the secretaries who go to many of these missions in areas such as South America where working conditions, for a girl and her husband, are so entirely different from anything that they have been used to at home. They do not enjoy the freedom that they think they may enjoy in these glamorous countries. I know that in the United States missions they pay a great deal of attention to seeing to it that their secretaries join tennis clubs and have an opportunity to meet other people under the right conditions. Thank you.

Mr. KINDT: Mr. Ritchie, it is the duty of this committee to scrutinize the expenditures, and at times to be critical in order to protect the taxpayer. While I am very sympathetic with people abroad and with the increases in salaries and with the problems of administering foreign programs, which I think deserves the support of Canada, yet in terms of items Nos. 1 and 5 may I say in general there is an increase of about 75 per cent in the amounts. In other words, from looking through this report on the estimates, not only in items 1 to 5, I find about 75 per cent of the items have been increased; in other words, it looks to me that what you have here is a strong minister who has the ear of the government and who is backed by the civil service organization, who have learned to add but never to subtract in their school days. In other words, almost every item has gone up, but only very few items have been decreased. I raise the question in general, for the protection of the taxpayer, why is it necessary that certain items should be increased? I am going into great detail when we get to item No. 35 with the \$25,000,000 increase, but now I am talking in general terms. It seems to me that the wheel which squeaks the loudest gets the most grease.

If they want to set up additional economic and technical assistance in foreign countries, then that organization seems to get the ear of the government, the ear of the minister, and so on, and they can ask for another \$25,131,000. But there are Eskimos, and Indians, people in our own country, who are begging and hoping that their government will give them some chance along the same line for some of the things which we are offering, giving, and striving to give to those foreign countries, and, moreover, sending our best people over there to do it. I think we should have our best people working among our own people. Now then, I would like to ask Mr. Ritchie in that particular general picture to give us some idea of the whys and wherefores of these increases.

Mr. HERRIDGE: May I ask a supplementary question on this point? I have been waiting and listening to these supplementaries which have been largely speeches. I am very interested in this item because I find that the public is becoming more and more interested in the Department of External Affairs. I think it would be a good idea if the members could be given more detailed information so that they could be better prepared to ask questions. I have been in close touch with some of the missions overseas. I have known a number of young ladies who have gone to overseas positions, and I said to them that when they arrived they should write me and let me know what things are like in the various countries and what the conditions are there. In other cases, the parents have turned letters over to me, or extracts from letters, which I have found most interesting. I suggest that in order that members may have information in greater detail, the committee be supplied first with the total cost

of all missions overseas; second, with the number of staff and the salaries in each mission; third, with the total cost for the allowance for education, and the total cost of other allowances in each mission; fourth, the capital investment in each mission for buildings, furniture, equipment, and for automobiles; and fifth, the total cost of entertainment for the last fiscal year in each mission. I would like to have the total expenses for all the cost in connection with each mission. I think that would give us a breakdown of all the missions and we could get a far better picture thereby.

The CHAIRMAN: That is a very exhaustive request.

Mr. HERRIDGE: I am not suggesting that we get it now. I am asking that it be supplied to the committee later.

Mr. RITCHIE: On Mr. Herridge's question, a good deal of information—not broken down by individual missions—is of course in the material which was supplied this morning in terms of the items of expenditures which are set out in the estimates. But I agree it is not all broken down by individual missions.

Mr. HERRIDGE: That is what I was interested in, mainly, the cost of these things in each individual mission.

Mr. RITCHIE: Under vote 10 it is broken down. On page 106 of the estimates book there is a general breakdown, but not in the detail that Mr. Herridge has suggested, of operational and capital expenses, but this does not segregate the various items which Mr. Herridge mentioned. I am referring to pages 106 to 111 of the estimates book. But we shall see what we can do with the question which Mr. Herridge has asked. We will see what we can do to provide it for the committee.

Mr. HERRIDGE: Thank you.

Mr. RITCHIE: As to Dr. Kindt's question, some of his remarks are ones which I as a civil servant would not be in a position to comment upon; such as his suggestion that our estimates record virtually nothing but increases with no significant decreases. This, I think, is not borne out by a detailed examination. There have been some quite substantial decreases which are set out in the estimates in the book and in the flimsy paper which was passed around to you this morning. There have been some quite significant decreases resulting from developments abroad, I am thinking for example of the termination of the Congo operation and various other programs which have come to an end. There are thus some decreases resulting from developments abroad, and there have also been some increases resulting from developments abroad. Our responsibilities as a department of government are very dependent on developments abroad, whether they be inflationary or deflationary, or whether they involve pacification or conflict. Our estimates of expenditures and functions and responsibilities are not entirely under our own control. They are dependant upon conditions abroad and upon situations in various international organizations of which we are only one of the many active members.

If you look at the figures which are set out in the estimates, I think you will find, apart from the big external aid item which represents what is regarded by the government as a measure of our responsibility as a member of the international community, apart from the external aid items and the assessments or contributions to international agencies and programs where we are one of the members, the increase in our own estimates for operations and capital outlays at home and abroad has been in the neighbourhood of ten per cent. This represents in part an extension or increase in the number of missions or multiple accreditations to different countries, which involve more travelling expenses; the improvement of communications to increase the efficiency of our operations; and the inflation that has occurred in costs generally. These are elements which have resulted in an increase in our

ordinary operating and capital costs at home and abroad of something of the order of ten per cent.

I think these are valid reasons for an increase in them, and I am not making any apology. They are factors which inevitably operate in the case of a government department which serves the functions that this department is supposed to perform on behalf of the government. I might say concerning external aid that I assume that you will be hearing from the director general of the external aid office in due course who will speak in more detail on that subject.

Mr. KINDT: That is item 35, where there is an increase of 50 per cent.

Mr. RITCHIE: Yes.

Mr. KINDT: I went over this paper which was distributed this morning, and I can find no breakdown for item No. 35. I suppose it will be given detailed examination.

Mr. RITCHIE: There will be a detailed examination when you have Mr. Moran before you. He will go into it in great detail. I refer to items 30 and 35, also L 14 (a) of the supplementary estimates. It would be taken up by him, I assume.

Mr. GROOS: My questions have been largely answered. But coming back to the question of Canadian information, and concerning our international conferences, may I suggest that by an arrangement with our local newspapers, copies of Canadian papers be sent to national conventions? I attended two conventions and the only papers you could get there were the *New York Times* and the *Daily Mail*. At one time I was away for ten days without any information from Canada whatsoever. The other delegates were in the same position.

Mr. RITCHIE: I see.

Mr. CHATTERTON: I am sure if the publishers of these newspapers were approached, copies of perhaps air mailed editions could be flown from Ottawa to Europe by Yukon and placed at the convenience of Canadian and other delegates.

Mr. RITCHIE: You speak of using the Yukon aircraft as a possible means of delivering these papers. The Yukons, as you know, are engaged on this shuttle service and are occupied by a good deal of other traffic. The Yukons only deliver to one destination in Europe which would mean the newspapers would not get around the continent, or to the places where the conferences are being held, very rapidly. That particular method, which we have looked into, of distributing current newspapers to Europe does not seem to be too practical as far as we can see. The desirability of seeing that Canadian delegates to conferences keep in touch with what is happening in Canada is something we appreciate, but how this can be done better is something we are now trying to work out.

Mr. CHATTERTON: I am not referring to Canadian delegates only but others as well who are all starved for news from home.

Mr. RITCHIE: As you know, such a system would become very large and very expensive. This would be true if we tried to cover all the major conferences in whatever locations they may be.

Mr. CHATTERTON: Does item 5 cover delegations to parliamentary associations?

Mr. RITCHIE: No.

The CHAIRMAN: Perhaps we can leave that item until we consider a different subject.

Mr. DINSDALE: I should like to ask a supplementary question to that question involving newspapers. What Canadian newspapers are sent to Canadian missions abroad?

Mr. RITCHIE: The *Globe and Mail* air mail edition and *Le Devoir* are sent to all our missions abroad by air mail. Other papers are selected at the discretion of the post. The posts are provided with a long list of periodicals and newspapers, from which they can select those which will be most helpful in their areas. These are delivered by ordinary surface mail.

I am sorry, I referred to the *Globe and Mail* as being one of the newspapers provided to our missions by air. I should have said, as I think I said earlier, the two newspapers being provided in airmail editions are the *Ottawa Journal* and *Le Devoir*.

Mr. CHATTERTON: Is it only the front page that is supplied?

Mr. RITCHIE: There is a special four page edition supplied in which advertising is I think, eliminated, and the contents are concentrated on news and editorial comment. The four page edition includes as much as it is possible to get on four pages. Both the *Journal* and *Le Devoir* are delivered to our missions all around the world by air mail immediately.

Mr. DINSDALE: Are any Canadian magazines air mailed to missions?

Mr. RITCHIE: Not to my knowledge. No magazines are air mailed to the missions. Canadian magazines are on the list of publications which the heads of missions have, and from which they select certain ones for delivery by ordinary mail. I am told that even the smallest missions receive at least three daily newspapers by surface mail and the larger missions receive, of course, a great variety because they are in countries where more Canadians are likely to travel.

Mr. CHATTERTON: Is any consideration being given to the idea of sending these magazines by air mail, or in some expeditious manner?

Mr. RITCHIE: Consideration has been given in this regard but it is very expensive and would involve this estimated cost which I mentioned earlier of \$1,500,000 per year.

Mr. HERRIDGE: I should like to ask a supplementary question. Could Mr. Ritchie tell us whether there is any particular reason for selecting the *Journal* and *Globe and Mail* rather than the *Citizen* or the *Star*?

Mr. RITCHIE: The two newspapers involved are the *Ottawa Journal* and *Le Devoir*. There had to be two chosen and I think this choice was made as a result of negotiations with the publishers some time ago, and the arrangement that was arrived at proved to be quite economical. I am not sure whether there were any negotiations with other newspaper publishers, such as those to which you referred. These are two newspapers which are available in special editions. I do not suggest the other newspapers could not be printed in this same fashion and used, but these two companies produce air mail editions on an economical basis for our particular use.

(Translation)

Mr. LAPRISE: Earlier during our meeting reference was made to the difficulties regarding personnel abroad. Do you train these people for service abroad?

(Text)

Mr. RITCHIE: Are you referring to training before recruitment?

(Translation)

Mr. LAPRISE: Do you give them training prior to recruitment to prepare them to go abroad?

(Text)

Mr. RITCHIE: When an officer has passed through the examinations and joined the department on a probationary basis he has then to go through

what I am sure any of those who have done so and happen to be present in this room would agree, a rigorous course of work and training in various parts of the department. Of course, there is also a special arrangement for language training of probationary officers.

Mr. KINDT: Mr. Chairman, when will we have an opportunity of discussing vote 35 with a witness who can discuss the vote in detail?

The CHAIRMAN: I hope we will do this early next week.

Mr. HERRIDGE: That depends on the progress we make.

The CHAIRMAN: Of course, it will depend upon our progress.

Mr. KINDT: I ask this question in view of the fact I must now leave.

The CHAIRMAN: You are now referring to foreign aid, in particularly that area to be dealt with by Dr. Moran?

Mr. KINDT: In view of the fact I have to leave now I have asked this question because I do not want to find that this committee has passed all these votes without having an opportunity of fully discussing vote No. 35.

The CHAIRMAN: Dr. Kindt, item No. 35 will, we hope, be discussed next week. It has been pointed out to me that Dr. Moran will be available next week. Oftentimes he is out of the country, as is the case this week. I hope we will make progress to that point. In any event, we are leaving item No. 1 open so that general matters of inquiry can be placed before the minister or his experts and those subjects can be covered in that way. We will try not to be limiting when you find it possible to be with us again.

Mr. HERRIDGE: Mr. Chairman, I think I have asked all the questions I wish to ask as supplementary questions.

The CHAIRMAN: Does item 5 carry?

Some hon. MEMBERS: Agreed.

Item agreed to.

10. Representation Abroad—construction, acquisition or improvement of buildings, works, land, equipment and furnishings, and to the extent that blocked funds are available for these expenditures, to provide for payment from these foreign currencies owned by Canada and provided only for governmental or other limited purposes, \$1,801,000.

The CHAIRMAN: A number of questions have been raised earlier during our hearing today touching upon this item. Does anyone have any further questions in respect of item 10?

Mr. HERRIDGE: Mr. Chairman, perhaps Mr. Ritchie could explain how the purchasing is carried out in respect of these various items required by missions overseas, such as furniture and motor vehicles?

Mr. RITCHIE: Perhaps Mr. Williams could add to what I may say in this regard.

The purchase of motor vehicles is, as I understand it, done under the interdepartmental committee. There is an interdepartmental committee which deals with the procurement of motor vehicles for the government generally. Our requirements are dealt with through that mechanism.

Other items of procurement, such as office furniture, are generally procured through the normal channels.

In the case of ordinary office equipment we make the purchases through our supplies and properties division.

Mr. HERRIDGE: In Ottawa?

Mr. RITCHIE: Yes. Authority may be given to the mission abroad to purchase an article when it is clearly the sensible thing to do. If the article involved is something that is readily available at the mission and would be expensive to transport from Canada to the mission abroad, or if other factors

make that justifiable, the mission may do its own procurement with authority from the department. I do not know whether that answers your question entirely or not.

Mr. HERRIDGE: Do I understand then that if a mission abroad requires a certain piece of furniture equipment the mission informs you of that and receives authority to purchase it, but that you do have some idea of the cost before the article is purchased and before authority is given?

Mr. RITCHIE: That is normally true, sir. I have had an indication that the policy of the department is generally to purchase Canadian made furniture when conditions permit, and I take it this applies to other similar items. Local purchases may be permitted in certain circumstances, where for example the climate may be a factor and where the cost of the Canadian article is considered in excess of that which could be paid in the local area, or where shipping facilities are inadequate.

I believe there is a certain amount of authority given to the heads of missions to purchase without reference back to Ottawa. Items under \$100 may be purchased in this way by the head of a mission.

Mr. HERRIDGE: That is very reasonable.

The CHAIRMAN: Shall item 10 carry?

Item agreed to.

The CHAIRMAN: The next item is statutory so we will now proceed to item 15.

15. Contributions to international multilateral economic and special aid programs as detailed in the estimates, including authority to pay such amounts as are specified in U.S. dollars notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December 1963, which is \$9,582,000

The CHAIRMAN: This item represents an expenditure of \$9,582,000, an increase of \$572,000 over the previous year's estimates.

Mr. HERRIDGE: Mr. Chairman, perhaps Mr. Ritchie could comment in respect of the contribution to India of 500 tons of electrolytic nickel apparently not required for 1964-65 and explain the arrangements that would have to be made to provide such an item?

Mr. RITCHIE: That item was in last year's estimates and related to defence requirements of India. There is no charge for that item in this year's estimates.

Mr. HERRIDGE: I happened to spot the item and wondered what arrangements would be made to procure such an item for delivery to the Indian government. What is the procedure involved?

Mr. RITCHIE: I cannot profess to be an authority on the detail in this regard, although I think an order would have been placed with the Canadian Commercial Corporation which would procure the nickel and supply it to India.

Mr. HERRIDGE: Such a purchase and the attendant arrangements would be made through the Canadian Commercial Corporation; is that right?

Mr. RITCHIE: That is what would be done as a convenience to the foreign government involved which may not have a purchasing mission here. Some foreign governments do have purchasing missions in Canada, or perhaps in Washington or New York and often use these missions to procure goods directly. In this particular case I think the arrangements were made through the Canadian Commercial Corporation.

Mr. DINSDALE: In respect of vote 98 (a) under item 15 and 96 (a) and 110 they have been eliminated in the current estimates. Vote 110 represents a contribution toward the refugee program of the intergovernmental committee for European migration. Has the need disappeared in that connection?

Mr. RITCHIE: This was not provided for at the time of the main estimates but it is provided for in a supplementary estimate and cover transportation costs involved in this operation. It was not covered in the main estimates.

Mr. DINSDALE: What about vote 98 (a) representing a contribution to Greece of surplus Canadian food products?

Mr. RITCHIE: Last year \$1 million was provided in this regard. The decision to provide a corresponding amount this year was not taken again until after the main estimates had been submitted. I think you will find in the supplementary estimates that there is a corresponding amount provided for provision of food to Greece this year.

Mr. NESBITT: I have one further question, Mr. Chairman. Mr. Ritchie, could you give us some information regarding the refugees chiefly being assisted at the present time, in view of the fact the European camps are cleaned up?

Mr. RITCHIE: I will have to look into the situation. It was hoped that the camps could be cleared up, and this amount was to assist in that progress. Perhaps we could check into this and give you an answer later.

Mr. NESBITT: I ask this question because it is my understanding things have gone along very well in this regard.

Mr. RITCHIE: That is correct, sir, and that is why I did not want to give you an off the cuff answer.

Mrs. KONANTZ: I think this item refers to help being given to refugees in Africa. We would not class them as the same kind of refugees as you find in Europe as a result of a war, but rather refugees in countries like Uganda who have come from Ruanda.

Mr. NESBITT: You are referring, of course, to those who managed to get over.

Mrs. KONANTZ: These refugees poured into Uganda creating a great difficulty to that country. I think probably that gives part of the answer to your question.

Mr. RITCHIE: Mrs. Konantz is, if I may say so, and it is not surprising, completely correct, according to the information I have. The two chief responsibilities of the high commissioner at the present time have regard to the completion of the handling of the problem of European refugees, which is virtually at an end as a result of the very good progress made by the high commissioner in winding up the camps and, secondly, a problem dealing with new refugee situations mainly in Africa.

The CHAIRMAN: Inasmuch as one of the members, I think Mr. Dinsdale, has made reference to the supplementary estimates, I wonder whether it would be appropriate for me to refer to vote 10 (a) of the supplementary estimates so that we could perhaps deal concurrently with them? This vote reads:

10a. Representation Abroad—Construction, acquisition or improvement of buildings, works, land, equipment and furnishings.

Acquisition of Communications Equipment, \$113,000

Mr. HERRIDGE: Where is this capital expenditure going to be made, and I refer to the supplementary item?

Mr. RITCHIE: This involves communication equipment for various missions, sir.

The CHAIRMAN: Does this item carry.

Item agreed to.

The CHAIRMAN: In view of the fact that we are discussing item 15, contributions to international multilateral economic and special aid programs,

may we also consider item 15 (a) which provides a supplementary amount \$1,060,000?

15a. Contributions to International Multilateral Economic and Special Aid Programs as detailed in the Estimates.

(Special Aid Programs)

Contribution to Greece of Canadian food products up to a total amount of \$1,000,000 to assist in meeting special defence requirements, \$1,000,000.

Contribution towards the refugees program of the intergovernmental committee for european migration, \$60,000. Total, \$1,060,000.

Mr. HERRIDGE: For what purpose, Mr. Chairman?

Mr. RITCHIE: Those are the two items referred to by Mr. Dinsdale. The \$1 million referred to food for Greece and the \$60,000 referred to the intergovernmental committee for European migration.

Mr. DINSDALE: That is correct. Was there a change made in that regard? The main estimates specifically indicate this item would not be required for 1964-65.

Mr. RITCHIE: I think this simply resulted because of the fact it was not required at that time as no decision had definitely been taken. That is what happened as I understand the situation.

Mr. NESBITT: Is the situation getting worse and are the numbers of Palestine refugees increasing? What is happening with the training programs which have been conducted in an attempt to assist these people?

Mr. RITCHIE: Again I cannot profess to be an authority on the detail of the present situation in respect of these refugees. I do know that more attention is being given than in the past to the training and technical education of such persons with perhaps somewhat less attention to ordinary relief requirements. However, just what is happening in respect of the actual numbers of refugees I would have to look up.

Mr. NESBITT: We realize that the other Arab countries will not accept many of these individuals, but has any success been made in relocating these individuals in their attempts to join Arab countries?

Mr. RITCHIE: I am not aware of any substantial progress in that direction. I think the progress being made is mainly in the direction of improving the technical qualifications of some of these unfortunate people, which in turn may have helpful effects on their opportunities, whether there or elsewhere.

Mr. NESBITT: In other words the situation has not substantially changed?

Mr. RITCHIE: That is about right, sir.

Mr. HERRIDGE: Is it correct to say that most of these people are not interested in relocating or resettling in other countries at the present time?

Mr. RITCHIE: That is a matter of the total situation in the Middle East and not a matter so much of personal inclination. This may be the point Mr. Herridge has in mind. A good number of these people do not want any alternative to going back to where they were. They are not prepared to go elsewhere. This situation is true of quite a number of them. Collectively I gather they have indicated that any form of organized resettlement which might prejudice their right of repatriation would not be acceptable to them. That attitude is one element involved. The other elements are inherent in the general situation in that area.

Mr. HERRIDGE: Those are the reasons why the situation has remained almost static as far as numbers are concerned?

Mr. RITCHIE: I am afraid so.

Mr. FOREST: Does the \$9,582,000 represent our total aid through United Nations programs for 1964-1965 or are there other items involved?

Mr. RITCHIE: Those are the principal ones involved but there are other elements in our bilateral aid program that will be explained by Mr. Moran.

Mr. FOREST: I am not referring to direct loans or credits to other countries, but to United Nations programs only.

Mr. RITCHIE: The United Nations Congo fund received \$500,000 out of vote 35 as a result of the decision of the government on the use of this vote, so you do get from the general aid program small items that may support, or be a direct contribution to, the United Nations program. The main contributions to the United Nations aid programs are contained in item 15. The contributions to the international organizations, which in turn may be used in part for aid purposes by those international organizations, are, of course, dealt with in a separate vote, being vote 25.

Mr. FOREST: How do these amounts compare to the contributions made by other countries such as the United States and Great Britain?

Mr. RITCHIE: Are you referring to the amounts in vote 15?

Mr. FOREST: Yes.

Mr. RITCHIE: The amount in vote 25, of course, in so far as there may be an aid element in contributions to international organizations, is based on assessments and therefore our performance under that vote compares in a mathematical way with what the United States, Great Britain and other donors are doing. There is a formula in respect of such contributions.

Mr. FOREST: Is the formula based on population?

Mr. RITCHIE: It is based on the gross national product and a great variety of other factors. In this particular case what we do is related mathematically to what other countries are doing.

In connection with vote 15, there is not the same mathematical relationship because these are not assessments but voluntary contributions in connection with, for example, the United Nations special fund, which is the main element accounting for the increase in connection with vote 15. There is an increase of \$2,500,000 made or, in effect, a doubling of our contribution to that particular aid program. Our performance in relation to other countries is more than respectable. In relation to contributions being made we are I think about fifth in the line.

Mrs. KONANTZ: I think we are sixth.

Mr. RITCHIE: I was going to suggest we are the fifth or sixth highest contributor to this special fund, which I think is more than a respectable performance.

In the case of the expanded program of technical assistance we are probably a bit lower down in the list of contributors. I think our contribution in relation to national product or population is again respectable.

We are contributing to the atomic energy agency on a basis really of an assessment although it is on a voluntary basis. This is done on a mathematical basis. Therefore, our contribution is mathematically related to that made by the United States and others.

Without going into the details of what other countries are contributing unless you wish me to do so, I can say that in respect of all these contributions our contribution is at least proportionate to our G.N.P. as related to that of the principal contributors.

Mr. DINSDALE: There has been some press criticism on this score. Perhaps Mr. Ritchie could clarify this point for me. In an article written by Bruce MacDonald last October 5, 1963, he indicated that we were not comparing very favourably in terms of percentage of gross national product. For example,

he suggested our percentage is .14 of the G.N.P. compared with 1.42 per cent by Portugal, 1.37 per cent by France, .65 by the United States and .53 by the United Kingdom. Are those statistics accurate?

Mr. RITCHIE: I think perhaps there are two points involved. The first is that those remarks relate to total aid efforts and not just to the contributions to the United Nations and the related programs mentioned in this vote. Those figures obviously cover bilateral programs, programs for dependant territories as in the case of the Portuguese situation, and so on.

Secondly, I rather suspect from the figures that the calculations predate the increase in Canada's general aid program to which Dr. Kindt referred, which brings us up a good deal higher than .14 per cent which is mentioned in that particular article.

I am suggesting two things. That report seems to be related to general aid and not just to contributions to this particular program. Secondly, I suspect that the article is somewhat out of date in the sense that it predated the announcement which was made last October of the increase in total Canadian effort. So far as the particular programs covered by this vote are concerned, our percentage contribution compares well with the percentage contributions of the other donors. Sometimes our contributions are calculated on a straight mathematical relationship. In every case the relationship is, I think, at least as favourable as the G.N.P. relationship would be.

Mr. DINSDALE: Does that situation imply that Canada emphasizes contributions to the United Nations multilateral programs rather than to other areas of economic aid, for instance to the commonwealth?

The CHAIRMAN: May I interrupt for one moment? Would it be agreeable Mrs. Konantz and gentlemen, in view of the fact we are discussing these estimates, that we incorporate votes 15, 20, 20a and 25? It seems the questions are carrying on into these various other items.

Some hon. MEMBERS: Agreed.

The CHAIRMAN:

20. Other payments to International Organizations and Programs as detailed in the Estimates, including authority to pay the amounts specified in the currencies of the countries indicated, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1963, which is, \$965,500.

25. Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1963, which is, \$9,433,900.

20a. Other Payments to International Organizations and Programs as detailed in the Estimates.

Payment to the International Civil Aviation Organization in part reimbursement of compensation paid to its Canadian employees for Quebec Income Tax for the 1963 taxation year, \$7,000.

I am sorry, Mr. Ritchie.

Mr. RITCHIE: I do not think that inference can be drawn from these facts. I think all one can really infer is that in respect of contributions to the United Nations programs we are doing our share, or, in some cases, a bit better. In the case of our bilateral aid programs, as Mr. Moran will I am sure explain, the programs are increasing, so whether one can say the emphasis is being placed on one programme or another is a matter of opinion or judgment. On the one that is being increased, that is the bilateral program, or on the United Nations

element, where our percentage already compares very favourably with other countries. I do not think one can draw the inference that the government is placing more emphasis in one area than in another.

Mr. FOREST: Is the purpose of the special fund to provide assistance under special circumstances in places in the world that need the assistance?

Mr. RITCHIE: Some years ago it was realized that there was a gap between the technical assistance program of the United Nations, which was a pure technical assistance program and on the other hand the capital aid programs being carried out by organizations which have capital at their disposal. It was obvious something was missing, and it was obvious that the something which was missing involved activity required to prepare for investment or capital development, whichever you want to call it, with so-called pre-investment preparations. There was considerable or widespread recognition that some agency was needed to fill this gap between other types of assistance and pure technical assistance, which could not be completely effective if there was no capital to which the development could be applied. That gap had to be filled by this United Nations special fund. It was set up when the developing countries were clamoring for a bigger capital fund. This was what they wanted and I think what other countries felt desirable was something a bit more modest that would provide this useful preinvestment preparation. Mr. Paul Hoffman, the distinguished head of the Ford Foundation, was secured to head up this agency. I think it is agreed in all quarters that the United Nations special fund has had a record of useful and effective work during the years it has been in operation, in surveying and preparatory work required in order to permit these capital project to get going and the technical assistance to be put to use. This may mean highway construction, power development, resource surveys and so on. Things of this kind are basic to subsequent capital development. It is not an emergency program. It is not for an emergency situation. It is for a special type of assistance which is needed to prepare the way for capital projects which can then come on with help from the international bank or from other sources such as private capital.

There is always a request for an increase from interested parties. I could not say for sure how this particular increase came about, but it was the judgment of the government that an increase was appropriate at this time in connection with the special funds, campaign for a larger total amount of money, so that a more effective program than even before could be carried out.

Mr. DINSDALE: I take it from your remarks, Mr. Ritchie, that Canada's philosophy in this external aid program tends more towards the benefit of development rather than of aid, as put forward by Mr. Paul Hoffman, and the fact that he is a specialist in this matter. You are thinking in terms of capital works to help economies to become self-propelling rather than merely to absorb aid in terms of food contributions and so on?

Mr. RITCHIE: I would not have thought it was quite that way. I think that all of these play a part and that the world food program is an element of international as well as governmental aid activities. The technical assistance program is an element; the preparation, if required in advance of capital aid from outside is an element in the international program as well as in the government's program; and then you have capital aid coming along after that through international mechanisms or through the government's bilateral program. I think these are all parts of the same piece, and they are not in conflict. I do not think it is a matter of favouring development rather than favouring another type of aid.

Mr. DINSDALE: The external aid office was set up in 1960, as I recall it. Has there not been a broader emphasis since the activities of external aid were co-ordinated under the external aid office, which subscribes to the

Hoffman philosophy of a broad community development rather than isolated unco-ordinated assistance programs?

Mr. RITCHIE: This is probably something on which Mr. Moran would be better able to comment than I.

Mr. DINSDALE: I would like to ask a question on the degree of emphasis of the external aid program in commonwealth countries? They have increased rather considerably in the 1950's and the early 1960's. This would be more within Mr. Moran's territory too, would it not?

Mr. HERRIDGE: We will have a go at him, too.

The CHAIRMAN: The minister is subject to any invitation you may extend again on item No. 1. So if there is a question of policy or even of detail, I am sure Mr. Martin would meet the accommodation of the committee with pleasure.

Mr. DINSDALE: It might be necessary to have Mr. Martin come before the committee after we hear from Mr. Moran and his statement, flowing from the recent commonwealth conference and indicating that this program which was started is continuing in emphasis as a commonwealth external aid program.

The CHAIRMAN: As a guide to members of the committee—I am entirely subject to your wishes—but I had been hoping that what might be accomplished in respect of these items was that we might hear Dr. Moran on the afternoon and evening of Tuesday next, and then Mr. Arnold Heeney who will be returning from the United Kingdom, in respect of the international joint commission on Wednesday afternoon next. This would permit us to finish off these estimates with the minister and any other people that the committee might wish to hear.

Mr. DINSDALE: I shall reserve my questions until later; but there was one specific matter which Mr. Ritchie might be able to give us some information about. I refer to the matter of the emergency food assistance to Hong Kong. I have a series of questions about it. The program was available in 1962, but since that time it has not been renewed. Is that because there is no longer any need for emergency food assistance to Hong Kong, or there has not been any request?

Mr. RITCHIE: I am a little surprised at this. Do you suggest that there was an emergency food program for Hong Kong?

Mr. DINSDALE: Yes, there was an emergency food program for Hong Kong made available to various welfare agencies operating in that colony.

Mr. RITCHIE: Was it a Canadian program or an international program?

Mr. DINSDALE: It was a Canadian program.

Mr. RITCHIE: I would have to look into it. I do not remember the earlier program. I certainly know of no decision or particular change in the circumstances.

Mr. DINSDALE: I asked a series of questions about it in the house of the minister, and the answers given were a sort of delaying type, that the matter was under active consideration.

Mr. RITCHIE: The principal change of circumstances which may have a bearing on this is the existence of the world food program which has been available for emergency food relief since it was created.

Mr. DINSDALE: The first answer I got was on July 15 of last year. It indicated that in 1962 the percentage of foodstuffs which were made available to Hong Kong from Canada had cost approximately \$455,000, through Canadian relief, and would be available for distribution at Hong Kong. It referred to powdered milk and canned meat as the two items. The second part of the answer was that

the Canadian government had no continuing program for the provision of food-stuff for Hong Kong and that a number of commodities had been provided for of emergency relief purposes. My question is this: is the need no longer present, or has the need been fulfilled?

Mr. RITCHIE: There may be several factors here. There was, as you know, a very large movement of refugees from the mainland into the new settlements in the Hong Hong area, and it may be that there was a need at that particular time which related to that situation, but I do not know. It may also be that this was a time when we ourselves were anxious to engage in the use abroad of some of these particular commodities which may have been in surplus supply at that particular moment. Thirdly, the existence of a world food program, I think, may have had a bearing on whether there remains a continuing need for this kind of national help in that sort of situation, because this program, the origins of which are fully known to you, sir, does now provide for the provision of similar foodstuffs on an international basis. As you know we are contributing \$5 million to the program as a result of an earlier decision. Part of it is in commodities, and part of it is in cash. It may be that the world food program has a bearing on whether there still is a need in that situation for this particular type of food and from Canada. I will be happy to look into it, but I cannot add at this time.

Mr. DINSDALE: I would appreciate it if Mr. Ritchie could give us some further details about it.

The CHAIRMAN: Would it be agreeable that we meet again at 3.30?

Mr. NESBITT: There do not seem to be very many items that we have to complete. I am in full agreement that we meet at that time, and I would suggest that if possible we have the Secretary of State for External Affairs with us.

The CHAIRMAN: It may be possible. I shall look into it.

Mr. NESBITT: There does not seem to be much left to clear up. Mr. Moran will be appearing next week and also Mr. Heeney. Perhaps Mr. Martin could be with us for an hour or so, although I realize that he is pretty busy with his extra duties.

The CHAIRMAN: We shall look into it. Is it agreed that we meet again at 3.30 this afternoon?

Agreed.

AFTERNOON SITTING

THURSDAY, July 16, 1964.

The CHAIRMAN: Ladies and gentlemen, I see a quorum.

I would like first to say how pleased I am to welcome Dr. Jones to our committee.

It was agreed that in the early part of this afternoon we would continue with questions of the Secretary of State who, I am afraid, will be with us for only a short time.

I am open to any question.

Hon. PAUL MARTIN (*Secretary of State for External Affairs*): Perhaps I could deal with one matter Mr. Herridge raised earlier and which I had not finally answered. Mr. Herridge will remember that I had told him on November 13 last that Pakistan had made a request for the provision by Canada of a technical expert to assist the Pakistan government in the matter of its defence research program. I can tell him now that this request has been accepted. The Canadian expert is Dr. N. W. Morton, who is now in Rawalpindi. No further request for assistance in this field has come, however, from Pakistan.

The assistance we are giving is in accordance with the policy which was stated in the white paper on defence to the effect that Canada is prepared to consider requests for military assistance which are received from newly independent countries, particularly those from the commonwealth.

Mr. HERRIDGE: I thought some members of the committee had questions of policy they wished to ask, but they are not here now, so I would like to ask the minister this question. You were discussing vote 20 and the succeeding vote, vote 25, when you adjourned. There is a grant to the commonwealth institute of \$1,500 in this year's estimates, which is not by any means an inflated amount. Then I find another item, "provide for cultural relations and academic exchange with the French community, \$250,000." Could the minister explain why our grant to the commonwealth institute—I am not just sure what the purpose of it is entirely—is only \$1,500, and what is the purpose of this other estimate of \$250,000?

Mr. MARTIN (*Essex East*): May I deal with that one first?

Last January the Prime Minister and I made an official visit to General de Gaulle, and one of the conclusions of that visit was a decision by the government of Canada to participate for the first time in a cultural exchange with the French language community—by which we mean France, Belgium and Switzerland. The French government had made available to Canada over a long period many hundreds of thousands of dollars for student exchanges, professorial exchanges, and the like. The government of the province of Quebec has participated on a reciprocal basis. It provides scholarships and professorships, and so on, on a scale, however, rather different from what we are proposing.

This new programme to which I have referred is the beginning so far as Canada is concerned of federal participation in this arrangement. The programme was started after discussions with the provincial governments.

The government of France has a very wide, extensive cultural exchange programme with many countries. Canada felt, in its desire to establish even firmer relations than those which have prevailed with France—one of the leading countries of Europe and of the western world, one with which we have a close ethnic relation—that we should begin to reciprocate on the federal level in regard to this program.

I made an announcement on April 17 of the first action under this program. This had to do first of all with the acquisition by Canada of three studios at the Cité internationale des arts in Paris for the use of Canadian artists of renown; and with the awarding of a \$3,500 grant to the Société dramatique de l'Université d'Ottawa to attend the International Festival of university theatre groups held in Nancy, France, from April 18 to 26, 1964. I notice in the press release that I recalled to the Canadian public that the communique issued at the conclusion of our visit to General de Gaulle between January 15 and January 17 resulted *inter alia* in an agreement to develop cultural exchanges. I said that the Canadian program would involve the granting on a reciprocal basis of scholarships and fellowships and the presentation in French language countries of Canadian arts, both performing and visual. In its operation, the government will have the advice and assistance of the Canada Council, which has accepted the responsibility for administration of the program.

We envisage an appropriation of \$250,000 for the program in 1964-65. The better part of this amount will be expended in the form of scholarships, fellowships, teaching fellowships, study grants, travel and so on, to send Canada professors, scholars and artists of renown to countries of French expression. Detailed arrangements regarding the operation of academic aspects of the subject will shortly be the subject of consultation with the governments concerned.

We attach a great deal of importance to this programme. I hope we will be able to expand it because I think it is very vital for Canada to establish improved relations with all countries. We must do something particularly to establish relations with French speaking African states. I am hoping that before too long I may have more to say about this.

With regard to the grant to the commonwealth institute, this has to do with the activities of that body which are primarily educational. This body maintain exhibition galleries, organizes lectures on commonwealth subjects, arranges conferences for senior pupils and so on. The expenditures incurred by these programs are offset by contributions received from commonwealth countries.

I hope there will be no contrast made between this grant of \$1,500 and the program I have just discussed because there they are not comparable arrangements. We attach a great deal of importance, of course, to the Commonwealth as such and we have been giving very large sums of money, of course, for three years now under the commonwealth educational scholarship scheme. Our last total grant, I think, was a million dollars. The commonwealth countries participate in a program for the distribution of 1,000 scholarships. Our share, I think, last year was a million dollars.

I know the question was not prompted by a wish to suggest that we were paying more attention to French countries outside the commonwealth than we were to commonwealth countries. The association of the commonwealth countries in the field of education, in my judgment, is one of the vital instruments for commonwealth unity. We will be host government this year in August to the Commonwealth Education conference when prominent educationists and others from all commonwealth countries will be in attendance at Ottawa to discuss the policy of this scholarship program and other features as well. The first conference was held at Oxford under the chairmanship of Mr. George Drew, our High Commissioner at that time, who did so much to further this idea. The last conference was held in Delhi.

This association has a permanent secretariat, and I think commonwealth cooperation in education will be found to be a very important factor in commonwealth unity and commonwealth development.

This, of course, is only one vehicle by which the federal government distributes its resources to assist commonwealth countries.

Our assistance to the Canadian university student organization, CUSO, our assistance on a very wide front under our external aid program for scholarship assistance, student exchanges and so on, would come to many more millions of dollars directed to commonwealth countries.

I am glad that we have made this start with regard to scholarships and student exchanges with France and with the French community, and with French African countries.

Mr. HERRIDGE: Mr. Martin, I thank you for your answer. I asked the question to provide you with an opportunity to paint the full picture in a colourful language.

I have one more question and then I will turn it over to some of my colleagues.

Does the government of France give any diplomatic recognition to the province of Quebec that is not extended to the other provinces of Canada—or any form of diplomatic recognition.

Mr. MARTIN (*Essex East*): No. As a matter of fact, we have discussions now under way with the French government on this subject. In London the provincial representatives are given, not diplomatic status but, for certain limited purposes, some privileges that normally only apply to diplomatic missions.

We are endeavouring to see in France if the provincial houses there—the Quebec house for one—could not receive from the government of France the

kind of treatment that Her Majesty's government accords to provincial establishments in London.

Our negotiations are under way, but they have not been completed.

Mr. HERRIDGE: I asked the question because I just wondered how far it went. I am a little nervous about our premier in British Columbia wanting to have an ambassador there. It may set a wrong precedent!

Mr. MARTIN (*Essex East*): I think the premier of British Columbia is now well disposed to the federal government and he knows he represents an important body in the country.

Mr. FOREST: I want to commend the government on starting in a good direction by establishing cultural relations at the university level for scholarships for French students from France and from the French community. I think the commonwealth system has been very good since 1960, although the French universities have received very few students because they were available only from the commonwealth, say Britain or India. This will permit students from France to come to our universities.

Is it the intention of the minister to extend such a plan to the French community?

Mr. MARTIN (*Essex East*): The extension of our plan is yet to be announced. I am not at liberty to give details of the expansion, assuming we can reach the necessary agreements, but I would hope the arrangements would not be too much different from the philosophy and thinking employed in the commonwealth scheme.

Mr. FOREST: It is a very good step in the right direction.

Mr. FAIRWEATHER: With the cultural exchange, and while the seeds of the scholarship exchange are being nurtured, or whatever the word may be, I would ask the minister to remember the very large French community in New Brunswick and also the French university of Moncton.

Having said that, may I say that I hope this exchange will not be confined to this area of Canada. I hope the people from Europe who are to come will come in this direction too.

Mr. MARTIN (*Essex East*): We will take notice of that.

Mr. Ritchie, who is here on my right, comes from the same privileged section of Canada as you, and he gives me a nod and says, "Say something good about that!"

Mr. FAIRWEATHER: This might be an appropriate time to do something which I was going to do later; that is, to compliment the minister on the promotion of Mr. Ritchie. Of course, this is of great satisfaction to New Brunswick, and we have the realization about this that the minister has about premier Bennett—although I would not want to put the new deputy in that category! We are still pleased to see the cause of New Brunswick advanced on all fronts.

Mr. MARTIN (*Essex East*): I certainly concur in what you say about Mr. Ritchie.

Mr. FAIRWEATHER: I think the committee would perhaps like to have that expression recorded as part of the committee's opinion about this promotion.

Some hon. MEMBERS: Hear, hear.

Mr. FAIRWEATHER: We were certainly helped in the initial stages in this committee by Mr. Ritchie's assistance on the Columbia river treaty.

Mr. MARTIN (*Essex East*): He has made a great contribution to the department. He is an outstanding economist, and he has been head of the economic division, as you know.

I would like to say this. I do not think there is any department in the government of Canada that is as well served as is the Department of External

Affairs. If people could only know of the long training that all of these people have to undergo before they are successful in passing the necessary entrance examinations, and the real dedication to public service that foreign service officers and others in the department give to Canada, they would, I am sure, strongly support these very inadequate words of commendation which I, as minister, am privileged to make.

If Canada has a good image abroad, if we are respected, the contribution of our public service to this end is indeed very great.

Mrs. KONANTZ: Mr. Chairman, I do not know whether this is the time to ask, but I wonder if the minister could tell us a little about Canada's aid to the West Indies. As you know, there was quite an article in the *Financial Post* about a month ago in this respect.

Mr. MARTIN (*Essex East*): I would be glad to make a general statement on external aid as well as with particular reference to the West Indies.

When the Prime Minister saw Mr. Kennedy at Hyannis Port last May he indicated that we were giving special attention to the Caribbean and that we proposed to increase our aid to that region. When the director general of the External civil office is before you he will have an opportunity of going into all the details.

We, of course, will continue to give aid to the commonwealth developing countries and to other members of the Columbo plan, and to units of the former West Indies Federation. We are now working out the exact form of that aid with the caribbean countries.

Did you want me to give a statement on it?

The CHAIRMAN: We are expecting Mr. Moran to come next week. We still have to deal with item No. 1. I do not want to cut anyone off, but there are two items of supplementary estimates that we should probably be adding to our considerations now under 15, 20 and 25—L12a and L13a.

L12a—Loans to the Government of India to finance the purchase in Canada of aircraft and associated spare parts and equipment in accordance with a financial agreement entered into between the Government of Canada and the Government of India \$1,367,100.

L13a—To extend the purposes of the account mentioned in Vote 630 of the Appropriation Act No. 2, 1954, to provide advances for medical expenses as well as to posts and to employees on posting abroad and to increase to \$1,500,000 the amount that may be charged at any time to that account; additional amount required \$400,000.

Mr. GELBER: I wonder if we should not dispose of those three other items. If the minister would like to make a statement on foreign aid, he should certainly make it. If he wants to make it now we would be pleased to hear it, but I think we should dispose of the items we were dealing with this morning.

The CHAIRMAN: Are items 15 and 20 carried?

Items 15 and 20 agreed to.

Now, item 25.

Mr. DINSDALE: I have one or two questions with regard to 25.

The CHAIRMAN: Then may 25 stand?

Items L12a, L13a, 15a and 20a. I am simply trying to follow the suggestion made by Mr. Gelber if that is agreeable. Maybe I am trying to act too hurriedly.

Items L12a and L13a agreed to.

Mr. HERRIDGE: What is the contribution to Greece of Canadian food products composed of?

Mr. MARTIN (*Essex East*): Mostly skimmed milk.

Mr. RITCHIE: It was last year, and canned meat.

Mr. HERRIDGE: What is the contribution to the European migration?

Mr. RITCHIE: This is transportation costs.

Mr. MARTIN (*Essex East*): It is assisted emigration.

Mr. HERRIDGE: Where from?

Mr. MARTIN (*Essex East*): From many countries.

Mr. RITCHIE: This is the same amount as in the previous year. It is for transportation of persons covered by the inter-governmental committee. It is mainly from Europe to various parts of the world. These are persons who are still displaced.

Mr. MARTIN (*Essex East*): I.R.O. was an organization set up after the war to try to do something about refugees. There were certain exceptions. The refugees in Vietnam and the refugees in Palestine were excepted. However, after a while the high commissioner for refugees made a real onslaught on the problem of refugees. Item is related part of the general effort to reduce the problem that confronted refugees. It has been a very successful effort.

Mr. HERRIDGE: This is co-operative effort? They go anywhere in the world, not necessarily to Canada?

Mr. DEACHMAN: Before 15a carries may I ask why we gave \$1 million worth of food to Greece?

Mr. MARTIN (*Essex East*): That was last year for skimmed milk and canned meat. I do not think any has gone this year because I do not think there is any surplus.

Mr. DEACHMAN: What was the basis of choosing Greece? It must have been only one of the nations that needed support. What led us to give \$1 million worth of skimmed milk and meat to Greece?

Mr. MARTIN (*Essex East*): It was needed, and this was based on our assessment of the need.

Mr. DEACHMAN: Did they apply to us or did they apply to United Nations for assistance?

Mr. MARTIN (*Essex East*): They are a NATO country, you see.

Mr. DEACHMAN: Did they make a request?

Mr. MARTIN (*Essex East*): Greece has been a NATO country and is a NATO country.

Mr. DEACHMAN: Would other NATO countries have share in this?

Mr. MARTIN (*Essex East*): Oh, yes.

Mr. DEACHMAN: Was this part of a general program of assisting Greece at that time?

Mr. MARTIN (*Essex East*): Yes. Some countries give much more, of course. The United States assistance to Greece and other countries in this area is very large.

Mr. DEACHMAN: How much do you think has been given by NATO countries over the period in which we gave this?

Mr. MARTIN (*Essex East*): I could not tell you offhand but I think it is very considerable. I think \$400 million has been given, in one form or another, to some of these Mediterranean countries.

Mr. DEACHMAN: By whom?

Mr. MARTIN (*Essex East*): By Canada, over a period.

Mr. RITCHIE: This goes back to a period just after the war.

Mr. DEACHMAN: Was this foodstuffs?

Mr. MARTIN (*Essex East*): Yes, foodstuffs, medical supplies and so on. At the end of the war that country and many others were in pretty straitened circumstances.

Mr. HERRIDGE: Would that figure include military equipment?

Mr. MARTIN (*Essex East*): Under NATO we had a program of mutual assistance, and we suspended ours to Greece and Turkey as you know and as I announced in the House of Commons some time ago, contemporaneously with the Cyprus situation.

The CHAIRMAN: Does 15a carry?

Mr. PATTERSON: Has there been any discussion about the contribution of United Nation relief agencies for Palestine refugees? Have there been any questions raised on that?

Mr. NESBITT: Yes, that was discussed this morning.

Mr. PATTERSON: Unfortunately I was unable to be present at the last couple of meetings, and I may have missed something on this.

Mr. MARTIN (*Essex East*): Under UNWRA our contribution is \$500,000.

Mr. PATTERSON: What is being done to rehabilitate those people? Several years ago there were about 800,000 in the camps and now it is over a million. It does not seem as though there is any solution to the problem.

Mr. MARTIN (*Essex East*): I am not adverse to dealing with the matter but I understand these questions were dealt with this morning.

Mr. PATTERSON: If the questions have been covered, of course I will leave it there.

The CHAIRMAN: Is item 15a carried?

Item 15a agreed to.

On item 20a.

Mr. HERRIDGE: What is the explanation for this reimbursement for Quebec income tax for the 1963 taxation year?

Mr. MARTIN (*Essex East*): That is just what it is.

Mr. HERRIDGE: How does that occur?

Mr. MARTIN (*Essex East*): In the main estimates there is an amount of \$16,000 which was requested to cover the Canadian government's payment to this organization for part reimbursement of compensation paid to Canadian employees on the secretariat for Quebec income tax. This organization, ICAO, as you know is in Montreal. We have been informed by the taxation division of the Department of National Revenue that the federal tax abatement rate, which was 16 per cent for 1962, will be 17 per cent in 1963.

Mr. HERRIDGE: That is the reason for it?

Mr. MARTIN (*Essex East*): Yes.

Item 20a agreed to.

The CHAIRMAN: May we then go back to item No. 1 and hear from the minister a statement in answer to a question which was posed with respect to the Caribbean?

Mr. MARTIN (*Essex East*): The members of the committee will remember that last November I announced an increase in the government's external aid program. You will recall that statement in which we announced increases in an aid of somewhere between \$70 million and \$80 million in the fiscal year of 1964-65.

Since that time we have been working out with recipient countries, the kind of assistance that we think and they think is needed.

I would like to make a general statement on that program. Grant aid will continue, as I said a moment ago, to be available to commonwealth developing countries and to other members of the Colombo plan, to the units of the former West Indies federation and to independent French-speaking countries, both in Africa and southeast Asia. The statement made by the Prime Minister at the

prime ministers' conference with regard to assistance to commonwealth countries in terms of education, particularly having in mind now—if I may momentarily digress—Southern Rhodesia, would come out of the increased available moneys. I may say at the present time that with regard to Southern Rhodesia we are already giving that country some assistance. In addition, our new development loans—which are part of the program I announced last November—will be directed to certain of these countries and to others able to accept the servicing and repayment obligations involved in assistance of this type. In addition, it is intended that the geographic coverage of Canadian aid will be extended through the availability of development lending to Latin America. Discussions are now being held with the Inter-American Development Bank which, we expect, will point the way to the most effective use of these funds for the achievement of self-sustaining growth in the Latin American countries of this hemisphere.

The government regards this new development lending as a logical extension of its grant assistance program. Loans provided this year will have a 50 year maturity period, provide for 10 years of grace, be non-interest bearing, and with a service charge of $\frac{3}{4}$ of one per cent. These terms and conditions are, I believe, as generous as those of any other agency, national or international.

In recent years there has been an attempt made by various authorities to define aid, to relate it to the gross national product, and then use the results to compare the aid effort of various donors. For instance, Barbara Ward has set her standards for the kind of assistance which she believes donor countries should provide. The O.E.C.D. has its standards of the kind of assistance which might well be provided by donor countries to developing nations. It has however become increasingly recognized that there is no really reliable statistical indices which could be established for this purpose. For one thing, statistics cannot reveal the underlying motivations of the individual aid programs. Some countries definitely tie their form of assistance to political considerations. I can say that this government, its predecessor and the preceding government, regard assistance not on the basis of political interest but on the basis of our appreciation of the need to the particular areas that were receiving assistance from Canada. In our country the humanitarian desire to share our resources has certainly, over the years, been the main motivating force behind Canadian contributions. Furthermore, a statistical table may have some relationship to the quantitative effort, but it cannot reveal the qualitative aspects of the program. In the matter of quality the Canadian program—I think I may say—is held in high regard by recipients and by other donors.

I understand the question was asked this morning why we should be giving assistance when in our own country there are pockets of want and need. I can only say that I do not share that view. We must do all we can to assist our own people, and I think that is the wish of all of us. However, at this stage of development in the world community, those nations such as our own that are able to do so are making a contribution to the peace of the world by trying to bridge the gap between the developed and the developing nations. From the statement I made last November you will see that there is a considerable increase in the aid resources which we will make available in this fiscal year, subject, of course, to parliamentary approval.

It will be the intention of the government to play its full part, in concert with other advanced countries, in what is now regarded as a collective aid effort. We know that our partners, who are in a position to extend assistance, share our objectives. We are also confident that the less developed countries, which will continue to supply the bulk of resources for their own development, recognize their responsibility both to themselves and to others to use the resources available in the most effective manner.

I have indicated that through the extension of development loans to Latin America we contemplate some widening of the geographic distribution of our aid programs. I should also like to indicate with more precision where we would expect the bulk of Canadian goods and services provided by aid funds to flow in the current fiscal year.

Our largest program relates to the Colombo plan area. As you know, this was the first instrument through which we gave assistance to other countries, except possibly for the moneys that we provided under the United Nations technical assistance programs. The major recipients of Canadian assistance under the Colombo plan, as in the case of most other donors, notably the United States, Great Britain, Australia, New Zealand and now Japan, have been and will continue to be this year Indian and Pakistan. The total population of these countries is in excess of the combined population of Africa and Latin America. Assistance for the commonwealth countries of Malaysia and Ceylon will be substantially increased, and we will be better able to provide additional assistance to the Francophone countries of the Indochina area. This latter programme of assistance will largely take the form of the provision of training facilities in French language institutions in Canada, and the sending of French-speaking Canadian teachers and advisers to Laos, Cambodia and Vietnam. For the Colombo plan area as a whole, we expect in the current fiscal year that the total flow of Canadian aid, including grant and development loans, food aid, and the Indus Basin contribution of some \$7 million, will be over 90 per cent greater than last year.

In the Caribbean—as I mentioned to Mrs. Konantz earlier—the new funds will permit a substantial and comprehensive program to be undertaken this fiscal year. The provision of resources, about five times that of last year, is being planned. I think that brings it up to around \$10 million. Last year it was a total of \$2 million. The independent countries of Jamaica, Trinidad and Tobago will, of course, receive priority consideration, but it is also the intention to provide increased assistance to the smaller islands, to British Guiana and to British Honduras—that should please Mr. Cadieux—where special Canadian interests are involved.

In Africa there are now no less than 35 independent states, almost one third of the membership of the United Nations. Last year, only slightly less than \$4 million was available under the Canadian program for this continent. This year we expect to be able to provide about four times this amount. Nigeria—the largest country in Africa in terms of population—will be a major recipient under the expanded program. Sizeable programs will also be undertaken in Ghana and in East Africa, Kenya, Uganda and the United Republic of Tanganyika and Zanzibar. The greatest proportional increase, however, will relate to the independent French-speaking countries of Africa where our programs to date have been of modest proportions. In fact, the allocation this year for French-speaking countries will be more than thirteen times the amount available to them last year.

In this general statement I am not dealing with specifics but I might just give an example of the kind of assistance that we are giving. There is a small, homogeneous state in Africa called Ruanda. Their university and college facilities were definitely limited, and a distinguished educator in this country, Father Levesque of Laval university—well known to most Canadians—undertook to accept an assignment from the government of Ruanda to establish a non-denominational state university. Father Levesque went there and made his investigations. The funds were limited, and he came to see us about a year ago and told us about his problem. We were able to provide him with finances to carry on the necessary administrative and professorial obligations which the new university had assumed under his direction. We are now giving consideration to a much expanded program to assist in the

establishment of this university, including, what is badly needed in that country, a medical school.

The policy of Canadian governments—all of them since 1950—has been to make progressive increases in aid funds whenever economic circumstances permit. We believe that there is no turning back on the obligation of the donor countries of the developed nations to assist with their treasure and then their know-how, the developing countries. If this is not done, I am sure that we cannot make any progress in the problem of trying to build a peaceful world. The hand of friendship which Canada and other countries are extending to the emerging countries cannot be empty either of substance or of meaning. We have embarked on a course which, I believe, will lead us and our children to a better world, a world in which poverty, disease and ignorance, as they exist today in many areas, will be unknown. We must not deceive ourselves; the task is immense. The total assistance that has been given since the end of the second world war by all countries to the developing nations has not by any means bridged the gap between the standard of living that we enjoy and the standard of living of these receiving countries. Indeed the gap today is greater than it was when we began, and it will require, of course, very great efforts to resolve this problem.

An attempt was made to deal with this subject at the recent United Nations trade and development conference that was held for a period of three months of this year in Geneva. The problem was not resolved by the conference, but one could not attend that conference, as I did, at its opening and see 113 countries assembled—the largest international conference I think that has ever been held—without realizing the immensity of the problem that is involved in trying to meet the deficiencies in the standard of living of so many countries in the world. I am sure that members will be interested in reading about that conference and realizing the tremendous challenge that it poses, a challenge which I firmly believe has to be met. It is not going to meet it because the purpose of this United Nations conference was not to give aid bilaterally or through any collective body but to try to find, through the processes of commercial intercourse, the interchange of goods from one country to another, a means of increasing the income of these developing nations. We took the view that at the present time the operation of GATT was the best vehicle by which trade among countries could be improved. This was not the view of all countries. This was, however, the view that Canada and a number of other countries held. I mentioned this conference because I believe it represents a very important factor in the whole problem of trying to improve the position of the developing nations.

That, Mr. Chairman, is the general statement I want to make.

Mr. NESBITT: Mr. Chairman, to come back to the first item concerning which I would like to ask the minister a question arising out of the statement which he made the other day when he was with us—I did not have an opportunity to ask my questions on that occasion. I have a question regarding Cyprus—I do not intend to ask the minister to give us a report on the present situation but I presume he would, if he could. There are two questions I would like to ask. The first one is this: Can the minister make available to us the directives given by the secretary general to the United Nations peace keeping force? There have been a number of these which appeared piecemeal in the British press and elsewhere.

My second question is: Can the Secretary of State for External Affairs tell us why, when the Cyprus operation was arranged an advisory committee, similar to the one used in the Congo operation was not set up. I take it there must have been reasons. I wonder if you could tell us what they were.

Mr. MARTIN (*Essex East*): I will deal with the first question first. I have already tabled in parliament the status of forces agreement and the terms of

reference of the force. These are the only documents that have been made public by the United Nations or by any of the countries represented in the United Nations force. The directives as such, of the secretary general of the United Nations, pursuant to his powers in the security council resolution, are secret. They have not been made public, and could not in their very nature be made public. When this matter was first broached, I discussed it with our own chief of staff who told me that he fully concurred with the position taken by the secretary general. I have from him a letter which I would be glad to table. I have not got it with me at the moment.

Mr. NESBITT: Are these terms known to the Cypriot government?

Mr. MARTIN (*Essex East*): No. These are directives given by the secretary general to the commander. We know, naturally as a government, what the directives are. These directives change from day to day, as they would normally do in the course of any military operation.

Mr. NESBITT: The Cypriot government itself does not know them?

Mr. MARTIN (*Essex East*): No.

Now, with regard to your second question concerning the advisory committee, as you know, in the case of the Congo there was established a consultative committee which met regularly with the secretary general. When the Cyprus force was set up, we discussed this matter with the secretary general. As a matter of fact I did it myself with Mr. Campbell and our ambassador at the United Nations. For reasons that the secretary general outlined to us it was decided not to institutionalize the consultative arrangements. But I can say to you, Mr. Nesbitt, these do in fact exist. I think I did explain to you the reason one day privately—you may not remember—but I would be glad to discuss it with you again, or with any other member of the committee.

Mr. NESBITT: The other question I had in mind—my last one to the minister—is the question of the expansion of the security council. There is some concern, I guess we all have it, that the possibility exists, because of the rather complex arrangements of seating on the security council at the present time, that the already complex arrangement would be complicated by the increased membership. There was considerable likelihood last year that Canada might not fit into any of the slots, so to speak, and that Canada was in great danger of losing her opportunity of becoming a member of the security council in the future. This was chiefly occasioned by the fact that the Russians at that point would not permit or agree to the expansion of the security council. It was even suggested that the only category in which Canada would fit, if she ever wanted to get a seat in the future, would be to join with the Latin American group or with some other group of other countries that did not fit into any category, such as perhaps Israel, Cyprus, South Africa, Australia or New Zealand. Is there any likelihood of this, and could you express an opinion on whether there is any likelihood that the security council may be expanded, that permission will be given by the Soviet union to expand the security council this year?

Mr. MARTIN (*Essex East*): This has already been done at the last general assembly. The general assembly adopted resolution 1991 which would enlarge the membership of the United Nations councils in order to provide adequate representation of the newer member states, mostly from Africa and Asia. The ten non-permanent seats would then be allocated as follows: Five from African and Asian states, two from western European and other states, two from Latin American states, and one from eastern European states. The resolution calls upon all member states to ratify both sets of amendments to the charter in accordance, I think, with article 108 of the charter. We will be shortly ratifying this obligation which was overwhelmingly approved by the general assembly last fall. Canada is not a member now of the security council or of the economic and social council. Canada has of course been a member of the security council

and I would hope that we might be invited shortly to become a member of the economic and social council. However, that depends upon our election by the member countries. The fact that there are now many more member states in the United Nations means that the opportunities for participation in these bodies—will be less because of the fact that the membership has doubled for example since we were last on the security council. It is very vitally important, of course, that countries like Canada, Australia and New Zealand should be given the opportunity at the proper time to share in these responsibilities of the United Nations.

Mr. NESBITT: Did the Russians approve of this?

Mr. MARTIN (*Essex East*): Yes.

Mr. NESBITT: They have given their assent?

Mr. MARTIN (*Essex East*): I do not know whether they have ratified under article 108. I am told they have not as yet. They voted for it. I do not know who voted against it but it was an overwhelming vote. Many member states have not yet ratified. We have not ratified the amendment, but we will.

Mr. NESBITT: So that to all intents and purposes there is no question about these councils being expanded unless some unforeseen event occurs?

Mr. MARTIN (*Essex East*): That is right. I take the view that it would be desirable for us to ratify these amendments before the next general assembly because this would be consistent with our concept of the universality of the United Nations organization.

Mr. NESBITT: I quite agree with you, Mr. Martin. I should like to know whether the Russians have as yet ratified it?

Mr. MARTIN (*Essex East*): I am told not.

Mr. HERRIDGE: Mr. Chairman, I would like to refer back to the very interesting statement that the minister gave the house.

The CHAIRMAN: The next person on my list is Mr. Gelber.

Mr. GELBER: Mr. Chairman, the minister has made an important statement on foreign aid. I am sure it will be well received by the committee and by the house which has followed these programs on all sides. He did say that the government was negotiating with the Inter-American development bank. Since he did not say we were joining it, I presume we are not joining the bank.

Mr. MARTIN (*Essex East*): No, we are not joining it. We have been interested in their operations. Their director has been here. He has discussed the bank operations with us. The governor of the bank of Canada recently paid a visit to Guatemala where the problems of this bank were discussed. This represents an initiative for us in an important area. We will, of course, be using the counsel of the Inter-American bank with regard to some of our loans. I think our first proposal involves an allocation of \$10 million. The amounts will gradually go up depending upon the attitude which parliament takes next year. The initial amount is \$10 million, and this is confirmed by Mr. Ritchie.

Mr. GELBER: We will then use the bank as our agent in this?

Mr. MARTIN (*Essex East*): Not so much as our agent as our counsellor together with our own assessment of the application of a particular loan to a particular country. We have missions in most Latin American countries, but there are about four where we either have not got a mission or where we are only accredited. In those where we are only accredited, we might find the services of the bank particularly useful.

Mr. GELBER: I presume we have no agency in Africa?

Mr. MARTIN (*Essex East*): No. It would all be bilateral there. It would be bilateral in Latin America too. At this stage we feel that the bilateral technique is the more valuable one, but it does not mean to say that we will not use the

services of appropriate international institutions. There has been a suggestion that we should join the bank.

That decision has not been taken.

Mr. GELBER: I believe the capital required by us in order to join would be about \$30 million.

Mr. MARTIN (*Essex East*): I believe it is higher than that. I think it is \$50 million, which is the lowest capital required.

Mr. RITCHIE: That depends on the basis upon which it is done. There is no set figure for us.

Mr. HERRIDGE: Mr. Chairman, I would like to refer back to the interesting statement the minister gave to us in respect of our aid when he mentioned those African countries. Do you agree, regardless of all that has been done the gap is widening between their standard of living and our standard of living? I think everyone understands the implications of such a situation. The question I would like to put is this. Are any agencies of the United Nations or any governments providing information to the people of these countries that will make it possible to effectively deal with the population explosion in humane, scientific and practical way?

Mr. MARTIN (*Essex East*): Well, last year the United Nations at the second last meeting of the economic and social council discussed this particular problem of population. I do not want to enter into the realm of theology here but there are theological considerations that apply, depending on your point of view. However, this is being discussed. The Myrdals who are widely known in the international economic field, have made a very special study of the population problem for the United Nations, and some countries, notably India, have put forward submissions and formulations in respect of this problem. Of course, there are many other bodies in the world that deal with this.

We have one member of parliament who visits me regularly. He has a very special interest in this problem.

Mr. HERRIDGE: He represents a group point of view.

Mr. MARTIN (*Essex East*): No; this individual member happens to represent a personal opinion. He does not belong to the notable political party that you belong to.

Mr. HERRIDGE: I thought you had reference to the efforts of one of our members in this respect.

Mr. MARTIN (*Essex East*): No.

Mr. HERRIDGE: There are no governments actually doing anything directly with these countries in that respect.

Mr. MARTIN (*Essex East*): Well, there are studies made by some governments. There are studies being made by the economic and social council, which has had before it particular proposals. There were discussions, as I say, at the second last meeting, and I believe this is on the agenda again for the next meeting.

Mrs. KONANTZ: And, there are Japan and India.

Mr. HERRIDGE: I am glad to know you are so well informed.

The CHAIRMAN: Will you proceed, Mr. Dinsdale.

Mr. DINSDALE: In respect of the statement of the minister on external aid I would like to ask a few questions, with particular reference to this problem of the rising expectation which is creating the difficulty to which he referred.

Am I to infer from the statement that in addition to increasing the assistance under existing policy there is going to be a considerable enlargement of the area to which Canada provides assistance? You mentioned specifically Latin

American countries. If this is the case will the new programs absorb most of the increased assistance or is there also an increase in existing programs.

Mr. MARTIN (*Essex East*): Oh, yes, there is an increase in the bilateral grants. The main recipients of these grants are Indian and Pakistan, largely because along with Ceylon they were the original recipient countries in the Colombo plan group. There will also be a new phase to this program, namely soft loans. The new area to be covered is Latin America with the advice of the Inter-American development bank. There will be loans to the Caribbean commonwealth countries, notably those I mentioned, and the new countries in Africa, and increases in bilateral and other forms of aid to countries to whom aid already has been extended, in the Caribbean, in Africa, and in Asia, including the Indo China countries, Indonesia, Malaysia. Right now I have on my desk a proposal to provide equipment in the amount of \$1½ million to Malaysia for the purchase of equipment to be used in some 54 vocational schools. I have no reason for thinking this program will not be approved by the cabinet. But, it has not gone forward yet. I mention it as a type of assistance that is being extended to one country.

The Indo China countries receive assistance largely for students to enable them to pursue studies in Canada. I forget how many students there were in Canada last year under the Colombo plan form of assistance and other forms of assistance, but it was very considerable. You can go now to any university in Canada, including the two universities here, and you will find students from these countries who are the beneficiaries of this program.

I would like to say at this point that this assistance is being given not only by the government of Canada; but also by volunteer organizations like C.U.S.O., the Canadian university students organization, which last year sent about 150 teachers to various parts of Africa. This organization raised all the money for this purpose. This year we have undertaken to provide the transportation of these students to these various points. This number of students going out to teach is in addition to our own program of teaching aid under which last year we sent something like 350 advisers and teachers to various parts of the world. They go out for various periods and they are all over. They are in Tanganyika, Zanzibar and British Guiana.

In addition I would like to pay tribute today to the work of the church organizations in Canada, the various Protestant churches, the Catholic church, the Jewish organizations, the Seventh Day Adventists for instance, have for a long period of time done a remarkable job in the building of hospitals and the supplying of teachers as well as medical assistance and the like. All these efforts are part of the Canadian contribution to these undeveloped countries. This work is done because it is the right thing to do and not because it serves any political end. It is a very important aspect of Canadian foreign policy.

Mr. HERRIDGE: Are not the Jehovah Witnesses doing something in this field as well?

Mr. DINSDALE: Did I understand the minister to say that Canada is providing assistance to Indonesia?

Mr. MARTIN (*Essex East*): Yes.

Mr. DINSDALE: Of what kind?

Mr. MARTIN (*Essex East*): It is mostly teaching but some equipment and some food.

In respect of the program for 1964-65, the director, Mr. Moran, who you will have before you later, cautions me that it is not easy sometimes, particularly in the initial period, to provide for a responsible utilization of the funds. I think it is very important that moneys that are given out in this way be given out after care has been taken in the selection of the project to make sure the

funds will be well spent and that there is a need for that particular project. It is not as easy sometimes as it looks to find useful places to put these resources, notwithstanding the great need for them in particular situations. You have to think of the administrative problem; you have to think of the wishes of the country concerned, as well as other things. Also, some countries want to do certain things which we do not believe are in the nature of external aid per se. Our assistance is given for the purpose of raising by external aid the standard of living of the developing countries.

Mr. DINSDALE: Now, I wonder if we could have one or two specific breakdowns under vote 35. This seems to be the vote that takes care of the large increase in expenditure. I presume that the Colombo aid contribution constitutes a large part of that?

Mr. MARTIN (*Essex East*): Yes.

Mr. DINSDALE: Does it not run into some \$50 million?

Mr. MARTIN (*Essex East*): It is the largest bilateral section.

Mr. DINSDALE: Is it not running at \$50 million still?

Mr. MARTIN (*Essex East*): It is around \$48 million.

Mr. DINSDALE: Well, there were several years when it was at \$50 million.

Mr. MARTIN (*Essex East*): It went down to \$41½ million. You will recall that there was a cut of \$8½ million. We restored this, and it is roughly now around \$48 million.

Mr. DINSDALE: But it formally was at \$50 million.

Mr. MARTIN (*Essex East*): It was.

Mr. DINSDALE: And, this has not been restored.

Mr. MARTIN (*Essex East*): Yes; the \$8½ million was restored and there have been increases in other areas. The Indus basin allocation was increased; it is now \$7 million and treated separately when it used to be \$4 million and included in the Colombo plan vote. So, actually the bilateral aid total now, is \$55 million. There has been an increase of about \$3 million in the total bilateral assistance.

Mr. DINSDALE: Now, has there been an increase in respect of such programs as the commonwealth scholarship and fellowship plan, which have operated for a number of years at \$1 million?

Mr. MARTIN (*Essex East*): No, it is still about \$1 million a year to finance 1,000 scholarships over four years.

Mr. DINSDALE: And there is no change?

Mr. MARTIN (*Essex East*): The exact figure is \$1.2 million.

Mr. DINSDALE: I see. Now, you intimated that the programs in respect of the French speaking African countries are going to be extended considerably.

Mr. MARTIN (*Essex East*): Yes, to roughly \$3½ million or \$4 million.

Mr. DINSDALE: That is annually?

Mr. MARTIN (*Essex East*): Yes. The figure before was around \$300,000.

Mr. DINSDALE: And, the special commonwealth African aid program?

Mr. MARTIN (*Essex East*): The Caribbean?

Mr. DINSDALE: No, the special African commonwealth aid program.

Mr. MARTIN (*Essex East*): Well, there is \$2 million to Nigeria; \$2 million to East Africa; \$1.5 million to Ghana; \$6 million to Sierra Leone; and to other territories \$4 million, which is roughly double.

Mr. DINSDALE: That is operating now on an annual basis. When it was inaugurated in 1960 it was on a three year basis in order that there would be some continuity. Is it still on that basis?

Mr. MARTIN (*Essex East*): It is on an annual basis now.

Mr. DINSDALE: Would it not be better to designate the fund over a longer period of time so that the recipients would know exactly what they have to count upon?

Mr. MARTIN (*Essex East*): Well, this is a matter of argument. From our discussions which we have with these countries they generally have a good idea that, subject to the will of parliament and to the financial situation, they can count on this, so I think the result is the same.

Mr. HERRIDGE: Mr. Chairman, I understood that when the minister was here we would have an opportunity to put questions to him in respect of policy. As you said, Mr. Moran will be coming before us later to give the details.

The CHAIRMAN: Mr. Moran will be here on Tuesday afternoon at 3.30 and also will be available that evening.

I did not want to interrupt you, Mr. Dinsdale.

Mr. DINSDALE: Well, Mr. Chairman, I do not ask too many questions in this committee. I thought the question I asked had reference to policy. I asked whether this was on a yearly basis or longer period of time, and I thought it would be more appropriate to have it based on a longer period of time.

Mr. HERRIDGE: I quite agree.

Mr. DINSDALE: Then what is your objection?

Mr. HERRIDGE: I thought we were going to get into the details of external aid, which would make a repetition.

The CHAIRMAN: If the Secretary of State for External Affairs has all the details I do not know why Mr. Dinsdale could not get this information, but if all these details are not available I am sure he will understand. Mr. Moran, as I said, will be appearing before us with more material on Tuesday.

Mr. MARTIN (*Essex East*): I want Mr. Dinsdale to feel free now to put any questions to me.

Mr. DINSDALE: I was raising an objection to my very good friend's interjection.

Mr. HERRIDGE: I was thinking of conserving time in this very important committee.

Mr. DEACHMAN: You are always thinking of conservation.

Mr. DINSDALE: Have you any questions at this particular time?

Mr. HERRIDGE: No.

Mr. DINSDALE: I think that this same admonition might have been given in respect of other members of this committee when this committee was deliberating on other matters sometime ago.

If Mr. Herridge will permit me to continue, I will do so.

The CHAIRMAN: I believe you are now on item 35. May I remind you that we left item 25 open. So, I think before you conclude your questions you might go back to item 25 so that we might dispose of that as well.

Mr. DINSDALE: Well, so far as my questioning is concerned, I have completed item 25.

Mr. DEACHMAN: Before that item carries, Mr. Chairman, I have one short question. Mr. Martin, what was done in respect of support for CUSO this year?

Mr. MARTIN (*Essex East*): We have undertaken as I said a few moments ago—and perhaps I was not as clear as I should have been—to provide the transportation expenses for CUSO.

Mr. DEACHMAN: How many students do you think will be involved?

Mr. MARTIN (*Essex East*): Last year they sent 250. I have been urging them to double that. Mr. Gelber has something to do with CUSO, I think, and I hope he is part of the energy expenditure process to bring that about.

Mr. DEACHMAN: Is there any indication that they will surpass last year's figure?

Mr. MARTIN (*Essex East*): I have no indications in that respect; but I do not really know.

The CHAIRMAN: Does item 25 carry?

Item agreed to.

The CHAIRMAN: Now we are back to general questions under item 1.

Mr. DINSDALE: In respect of item 35, I note that the amount is \$15 million in respect of international food aid program including commodity contributions to the United Nations relief and works agency for Palestine refugees in the near east and to the world food program. As I say, the total figure is \$15 million. That has gone up from \$6 million since last year. Is this part of the world food bank program?

Mr. MARTIN (*Essex East*): No. This is for a separate organization known as the United Nations Relief and Works Agency.

Mr. DINSDALE: I am sorry, but I was referring to vote 35 at page 117 of the estimate book. It is a \$15 million item.

Mr. MARTIN (*Essex East*): It is the program the Minister of Trade and Commerce announced. It is a national one, by Canada alone. It is altogether apart from the U.N. special fund, where we doubled our contributions from \$2½ million to \$5 million. That is the Paul Hoffman organization.

Mr. DINSDALE: Would the contribution for the Greek program come under this?

Mr. MARTIN (*Essex East*): That is separate.

Mr. DINSDALE: No.

Mr. MARTIN (*Essex East*): It is a NATO country.

Mr. DINSDALE: Are NATO countries excluded?

Mr. MARTIN (*Essex East*): It is a program of NATO.

Mr. DINSDALE: NATO countries are excluded from this program?

Mr. MARTIN (*Essex East*): They are not excluded. They are the recipients of special assistance pursuant to a NATO program, to assist certain member states.

Mr. DINSDALE: Are commonwealth countries excluded from this program?

Mr. MARTIN (*Essex East*): In the NATO group, yes, they are excluded because there is no commonwealth country in NATO that stands in need of this particular kind of assistance. But, under our national program there would be no reason why a commonwealth country could not be included.

Mr. DINSDALE: Are there special food assistance programs operated by NATO?

Mr. MARTIN (*Essex East*): NATO has a program of assistance and we gave \$1 million worth of assistance last year to Greece in the form of skimmed milk and canned meat.

Mr. HERRIDGE: Was that not powdered milk?

Mr. MARTIN (*Essex East*): I am sorry, yes. I said skimmed milk only because I drink it myself and I could think of no other.

Mr. DINSDALE: This might be a proper place to ask under which vote would come this world food contribution to Hong Kong which I have questioned you about from time to time.

Mr. MARTIN (*Essex East*): It could come under the world food program or the national program. Mr. Dinsdale asked me some questions in this respect recently.

Mr. RITCHIE: Mr. Chairman, Mr. Dinsdale did raise this point this morning. We did look into it and the particular program or piece of aid to which he referred occurred at the time of the very heavy refugee influx into Hong Kong. That was the time when special arrangements were made to assist them.

Mr. MARTIN (*Essex East*): Yes, and we gave \$485,000.

Mr. RITCHIE: It was something like that.

Mr. MARTIN (*Essex East*): But, that was a special one time operation; it was not a continuing program. It was done for that year and that year only. If anything of this sort was done in future to meet a similar situation it could be done within the world food program or through our own national food aid program. I think it is only fair to say it is not envisaged that there will be this assistance this year. But, if you have any special reasons I would be very glad to have them now or later, and I would look at them.

Mr. DINSDALE: Well, there is a continuing need there, of course. I think one of the special advantages of the 1962 program was that it was carried out through the instrumentalities of the volunteer organizations to which you referred, mostly the church groups. They have an extreme problem in meeting the demands of the population in Hong Kong.

Mr. MARTIN (*Essex East*): I might point out there has been no specific request. Your intervention is the only one I have had. I will talk to you about it, if you so desire.

The CHAIRMAN: Lady and gentlemen, may I point out that there is a specific part of vote 1, namely 1a in the supplementaries, which provides for \$381,600 for administration, operation and maintenance including grants as detailed in the estimates, gift to commemorate the independence of Nigeria, gift to commemorate the independence of Tanganyika and a gift to commemorate the independence of Kenya. It would be helpful perhaps if we could dispose of that one supplementary and then continue to leave item 1 open.

1a. Administration, operation and maintenance including grants as detailed in the estimates, \$381,600.

The CHAIRMAN: Is that item carried?

Mr. NESBITT: What were these gifts?

Mr. MARTIN (*Essex East*): Well, they differ with different countries. Most of them take the form of books. We had one the other day in respect of Malawi in the amount of \$5,000 for books. This seems to be an acceptable gift. These gifts are carefully selected.

Mr. HERRIDGE: What are the subject of these books?

Mr. MARTIN (*Essex East*): Well, I do not know that my knowledge is that encyclopaedic.

Mr. HERRIDGE: Well, could you tell us generally?

Mr. MARTIN (*Essex East*): They are mostly historical. Of course, the books are mainly those published in Canada. I do know that Mr. Pickersgill's book on Mackenzie King was included.

Mr. HERRIDGE: But they are books about Canada, are they?

Mr. MARTIN (*Essex East*): Yes.

Mr. HERRIDGE: I am glad to know that. I thought they might be about the United States.

Mr. MARTIN (*Essex East*): We are interested in United States history but the gifts are in the form of Canadian books.

Mr. DINSDALE: With regard to this item of \$15 million is it possible to get a breakdown in respect of how this money is expended or is that still in process?

Mr. MARTIN (*Essex East*): This national program?

Mr. DINSDALE: The food aid program.

Mr. RITCHIE: There is no breakdown available yet. It is still under discussion.

Mr. MARTIN (*Essex East*): Well, he means for last year.

Mr. DINSDALE: Yes.

Mr. MARTIN (*Essex East*): We will get that for you.

Mr. DINSDALE: I would like to know where the assistance was given.

Mr. MARTIN (*Essex East*): We will get that information for you.

The CHAIRMAN: Is it agreeable that that information be included in our proceedings today?

Some hon. MEMBERS: Agreed.

Supplementary vote 1a agreed to.

Mr. MARTIN (*Essex East*): Mr. Chairman, I have a very important engagement set for 5 o'clock. I have sent Mr. Campbell ahead to my office. Is it your wish to continue with me?

Mr. HERRIDGE: I think the minister has been very fair in spending all this time answering our detailed questions. There should not be any question about that.

The CHAIRMAN: Thank you. Then, if it is agreeable, we will continue with questioning Mr. Ritchie and his advisers.

Mr. MARTIN (*Essex East*): You will get better answers, anyway.

The CHAIRMAN: Lady and gentlemen, there is one point we might first consider before questioning Mr. Ritchie.

We have outstanding in our estimates item No. 1, which we will leave open, with your consent, in case it might be useful at another stage, items 30 and 35, which will be of special interest to Dr. Moran who will be appearing here at 3.30 on Tuesday afternoon, and item 40, which provides for \$151,500 in salaries and expenses of the commisison and Canada's share of the expenses of studies, surveys and investigations of the International Joint Commission. I suppose that we could proceed with questioning in respect of item 40, if it is your pleasure. It may not be necessary to have Mr. Heeney here.

Mr. HERRIDGE: Mr. Chairman, it is most necessary. We have a lot of information to obtain in respect of the engineering aspects of the work of the commission as well as other things. General McNaughton always gave us that information.

The CHAIRMAN: Then, with your permission, we will schedule Mr. Heeney to be with us on Wednesday afternoon at 3.30 and to be subject to any later call that may be required. Would that be agreeable?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Then we are ready to continue with item 1, with Mr. Ritchie.

Mr. FOREST: I believe the minister spoke about the policy of loans to countries and the one per cent interest. Are there strings attached to these loans, or are the countries free to use them as they please?

Mr. RITCHIE: There are no political strings attached, as the minister explained. These loans are designed to assist economic development. It is expected, however, and in fact it is required that such loans shall generally be spent in Canada on Canadian goods and services. If you wish to regard that as a string, that is a condition attaching to the provision of these loans.

Mr. FOREST: They have to be spent in Canada, so you do know they spend all the loan?

Mr. RITCHIE: Yes. The terms are otherwise exactly the same as the terms for the International Development Association type loans which are made available on an international basis—50 years, three quarters of one per cent.

Mr. PATTERSON: May I ask a supplementary question?

The rate was quoted at three quarters of one per cent. How much is it going to cost Canada?

Mr. RITCHIE: It would be whatever the borrowing charge is to the Canadian government at the time when the money is secured. This is a subsidized rate of interest. Three quarters of one per cent is little more than a service charge, but this is the practice that has been followed by many countries which do not wish to provide all their aid in a straight grant form and do feel that repayment is appropriate and yet do not want to saddle the developing countries with an interest burden which in fact they probably would not be able to carry. So, if the aid is to be provided, if it is not to be provided on a grant basis, it pretty well has to be provided on fairly concessional terms in relation to interest and the time period and so on. These are not commercial loans by any means; they are concessional-type loans. Under our export credits insurance legislation, as I am sure you know, we do have provision for credits on commercial terms or, in effect, the government borrowing rate plus about one per cent, but those are not loans that are designed specifically for the developing countries. In fact, those credits—which are not under discussion today—appear in connection with exports credits insurance and the Department of Trade and Commerce. Those loans have gone in considerable measure to the developing countries, but those are on something much closer to a commercial basis. These loans contemplated under L14a are development loans which are close to grants but do involve repayment.

Mr. PATTERSON: Is any thought given to using the Bank of Canada for this purpose?

Mr. RITCHIE: The Bank of Canada is represented on the aid board which is concerned with the operation of this loan program.

The CHAIRMAN: Mr. Forest, have you completed your questioning?

Mr. FOREST: There is an obligation, a moral obligation, on the part of the borrowing country to repay?

Mr. RITCHIE: There is an obligation to repay, yes.

Mr. DEACHMAN: I understand we have reverted to number one. I want to open up a new area if we have finished with the questions.

Mr. GELBER: I would like to ask a supplementary question.

Mr. Ritchie, we decided to use the service of the Inter-American Development Bank. We are a member of the world bank, which could give us advice both in Latin America and in Africa. Presumably, we are not going to use that service.

Mr. RITCHIE: We are co-operating very closely with the world bank. We are getting the advice and counsel of the world bank in connection with many parts of the world.

In the case of Latin America, you do have this new and very active institution in which there are participants both of the Latin American countries and countries farther north—the United States. It is a very representative institution with an intimate knowledge of the particular area. That is not to say that the world bank has not a very good knowledge and is not representative, because it is both; but this particular institution is able to provide particularly intimate advice on programs in Latin America and also—and I believe this follows from what Mr. Martin was saying—to assist in certain services which

they are able to provide on the spot because they do have offices in several parts of the area, services which they are able to provide and of which we are able to take advantage. I would emphasize, however, that we are co-operating very closely with the world bank in many parts of the world.

Mr. FOREST: Are we using the services of the O.A.S. also?

Mr. RITCHIE: Not as such, no. The O.A.S. has a general economic and social aid operation, but it is not one in which a country could really participate without having made some fairly substantial moves in the direction of the O.A.S. In other words, it is an organization that is pretty well confined to present O.A.S. membership. The Inter-American Development Bank does not have the geographical limitation in as strict a way.

Mr. DEACHMAN: Mr. Ritchie, I understand for administrative purposes you now break up the Department of External Affairs into divisions. This would include a United States division?

Mr. RITCHIE: Yes.

Mr. DEACHMAN: A European division is one, I think.

Mr. RITCHIE: Yes.

Mr. DEACHMAN: A Commonwealth division?

Mr. RITCHIE: Yes.

Mr. DEACHMAN: An Asian division?

Mr. RITCHIE: A Far Eastern division, yes.

Mr. DEACHMAN: A South American division?

Mr. RITCHIE: A Latin American division.

Mr. DEACHMAN: A Middle Eastern division?

Mr. RITCHIE: An African and Middle East division.

Mr. DEACHMAN: Do you operate NATO as a separate division?

Mr. RITCHIE: A defence liaison division deals with our defence co-operation and deals with most aspects of NATO.

Mr. DEACHMAN: And the United Nations is operated as a separate division?

Mr. RITCHIE: That is right.

Mr. DEACHMAN: Do you account for these separately so that you can show the money that goes into your United States division, what it has cost for operation? Can you give us any breakdown of how this goes, in order that we can obtain an idea of the areas into which you put your money?

Mr. RITCHIE: We can on personnel costs. We do know how many officers there are in each division. We do not attempt to apportion incoming and outgoing telegrams and costs therefor to the different divisions. This would not really be practicable.

Mr. GELBER: But you do have the individual cost of missions published in the blue book?

Mr. RITCHIE: Of missions, but not of divisions. Mr. Deachman was talking of divisions, as I understand.

Mr. DEACHMAN: I am talking about divisions. What I am coming to is this: Is there any way of measuring how much we as a nation put into an area? We look on Asia and the Far East as a very important entity to us and we also look on Africa and the Middle East or NATO—take either of these—as very important entities. In effect, these are programs; they are whole programs as far as we are concerned. I wonder whether you are able to give us any idea of the magnitude of these programs by way of officers and materials and cost and aid programs so that we could get an idea of what effort is put into Asia relative to the efforts that we today put into Europe, for example, and whether there is a shift in emphasis.

Mr. RITCHIE: Mr. Moran will be providing you with these details, I am sure. We can tell you just what aid is going into Asia, for example; we can tell you what missions we have in Asia and what is their cost; that is set out in the blue book. When you go back and attempt to allocate the cost within the department as between Asia and the other parts of the world, it is extremely difficult to do. Simply taking the costs of the far eastern division would not give you the whole story by any means of the amount of resources that the headquarters of the department may be putting into Asia, because, for example, the economic division is spending a good deal of its time on aid programs, trade relations and other matters having to do with Asia. The disarmament division is involved in the discussion of matters that affect the Asian area vitally, and so on. With regard to the United Nations division, a good part of the time of that division is taken up with Asian issues. Therefore, you would have a really difficult and even, I think, impossible task if you attempted to apportion the outlays within the department on a geographical basis. We can tell you what different units cost where the expenditures are made by the units, but to analyse it in more detail would be impossible. In the first place, I do not think it would tell you very much and, in the second place, I do not think it would be possible.

Mr. DEACHMAN: I think, Mr. Ritchie, my difficulty as a member of parliament in understanding what goes on is that we are presented with small pieces of programs and we see a glimpse here and a glimpse there, but we do not see the whole thing painted with a broad brush so that we can see it in terms of programs, and so that we can see whether emphasis is shifting off Europe, and whether that is a stabilizing area of external affairs and whether, in fact, men and money and aid and so on are being shifted in other directions. Instead, we find ourselves here exploring item by item like an archeologist digging into a midden. We get a hold of a clam shell here and a flint arrowhead there, and it takes an enormous amount of excavation to find out what kind of civilization there was. I find myself faced with the same mystery; I really do not know what you do.

I really do not know what the department does. I have no wide picture of what the department does, I really do not. You baffle me.

Mr. RITCHIE: It is probably because the department, and any department concerned with international affairs, is bound to be a bit baffling, and it is bound to be, I think, rather difficult to determine just where the emphasis is being placed from time to time.

Mr. DEACHMAN: I realize it is difficult.

Mr. GELBER: Of course the department report is clear, but if you take a look at the figures, if you abstract them from the total, you will see what we give to foreign aid and the memberships we pay in international organizations. We are spending a rather small sum in this department on representing Canada for peace. The sums of money involved here are quite small. Does not your annual report publish all aspects of departmental activity and one on the United Nations?

Mr. RITCHIE: I think that Mr. Gelber is quite correct, that the emphasis being given by the department best emerges from the report of the departmental activities, and not from an examination of the detailed estimates which cannot really measure the extent to which resources are being devoted to particular geographic areas, because our activities cannot be broken down rigidly by clearcut geographical areas.

Mr. DEACHMAN: What do you feel these estimates do measure?

Mr. RITCHIE: They measure what it is costing the Canadian taxpayer for the total services provided by the department.

Mr. DEACHMAN: In this fashion?

Mr. RITCHIE: That is right. They try to do this in terms of as many breakdowns as it is practicable to employ, both in terms of objects of expenditure and in terms of these votes. This does not give you a true picture of the emphasis that the department may be placing on a geographical area.

Mr. DEACHMAN: It does not show us programs within the department, does it?

Mr. RITCHIE: The aid program which Mr. Moran will be explaining in detail does give a very important measure. As Mr. Gelber observed, it is a very large part of the total amount of money. It does give an indication of the places where emphasis is put in that particularly important sector of our activities, but in other parts of our activities similar breakdowns would not be very meaningful. However, for the flintstones or arrowheads, or whatever one is seeking, in the departmental activity, one has to go to the departmental report and the minister's statement on the departmental activities given both in the House of Commons and in this committee.

Mr. CADIEUX: Do I understand that we can ask questions at random?

The CHAIRMAN: Yes.

Mr. CADIEUX: I have one small question which I would like to ask Mr. Ritchie. In the case of scholarships, is a student receiving a predetermined amount or do we only pay for tuition fees?

Mr. RITCHIE: There is a scale for these scholarships which cover not only tuition fees but subsistence and travel expenses. So that travel expenses, living expenses and tuition are paid.

Mr. CADIEUX: On what is this scale based; is it the type of subsidy or what?

Mr. RITCHIE: I am not sure I can tell you. It is based on pretty close consultation with the university authorities and others familiar with what the actual costs are. The Canada Council has been actively supporting us in working out these arrangements; also the scale reflects the experience of other countries and it reflects the best advice we have been able to get on what would be adequate, but not more than adequate, provision for the scholar.

Mr. CADIEUX: On this question of adequacy, has it been your experience that most students who were favoured with scholarships found the amounts adequate?

Mr. RITCHIE: We have had the occasional complaint that the provision was not fully adequate, and some adjustments have been made from time to time.

Mr. CADIEUX: I was going to ask whether, in the case of a complaint, you make adjustments?

Mr. RITCHIE: There is considerable reluctance to make retroactive adjustments in individual cases, but it would depend on the case. The experience would be taken into account in later provisions.

Mr. CADIEUX: The case I had in mind would be of a student from Honduras, for instance, studying physics who would attend the University of Montreal for a couple of years, and suddenly found himself in a position where he cannot go on because the grant is not sufficient to cover all the living expenses, clothing expenses, and so on.

Mr. RITCHIE: This would be an unlikely situation. If it arose, it would obviously be a case which the administration would want to look at carefully and see what could be done to adjust it. Let me say again that Mr. Moran might have something to add to what I said about this arrangement as he is much more familiar with what is provided for trainees in various categories in Canada.

Mr. HERRIDGE: I have a question on that point before I revert to the question I intended to ask. I have run into a few cases myself. Is it not correct to say that in a few cases the student in question rather expected too much and misunderstood the program? I am thinking of one case in particular where I thought they had an exaggerated idea of what Canada should do for them.

Mr. RITCHIE: This certainly can happen.

Mr. HERRIDGE: My question is this: Have the senior officials of the department been asked to supply a memo to the government on how they could diplomatically and gracefully withdraw from the nuclear field?

Mr. RITCHIE: I have not fully understood that question.

Mr. HERRIDGE: Have the senior officials of the Department of External Affairs been asked to provide the cabinet with a memo on how the government of Canada could diplomatically and gracefully withdraw from the nuclear field?

Mr. GELBER: Mr. Chairman, on a point of order. Mr. Ritchie is being asked whether he has been requested to give advice to the minister on a matter of policy and on a controversial matter. I do not think it is a proper question to direct to Mr. Ritchie.

Mr. HERRIDGE: I am not asking what the memo was.

Mr. GELBER: You have asked if he has been consulted.

Mr. HERRIDGE: It was an innocent and very straightforward question.

Mr. GELBER: It is so innocent and so straightforward that it is out of order.

The CHAIRMAN: I am sure that you realize it is out of order yourself, Mr. Herridge.

Mr. HERRIDGE: I did not at the time.

Mr. DEACHMAN: Mr. Herridge, we are making a safe world for you; just put your trust in us.

Mr. FOREST: Are these students selected by the universities or are they recommended by the country itself?

Mr. RITCHIE: This may vary from one scheme to another. I must not pretend to be more authoritative than I am in this connection. I gather that in some cases the selection is made by joint boards representing the education ministry of the particular government and the educational institutions. But, this may vary from one program to another and from one country to another. However, the object is to ensure the selection is made on the basis of merit.

The CHAIRMAN: Well now, lady and gentlemen, if we have completed our questioning for this afternoon we will let item 1 stand. Clauses 30 and 35 will be considered when Dr. Moran is present and item 40 when Mr. Heeney is here.

Some hon. MEMBERS: Agreed.

The CHAIRMAN: And item L14a in the supplementaries. Is it agreed the only items that remain open at the moment will be items 1, 30, 35, 40 and L14a?

Some hon. MEMBERS: Agreed.

The CHAIRMAN: Thank you for your attendance today. I know it has not been easy for everyone.

I would ask you to plan to reconvene at 3.30 on Tuesday afternoon. We probably will sit Tuesday afternoon and evening.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 32

TUESDAY, JULY 21, 1964

Main Estimates and Supplementary Estimates (A) (1964-1965)
of the Department of External Affairs

WITNESS:

Mr. H. O. Moran, Director General, External Aid Office.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Brewin,	Fleming (<i>Okanagan-</i>	Langlois,
Brown,	<i>Revelstoke</i>),	Laprise,
Cadieux (<i>Terrebonne</i>),	Forest,	Leboe,
Cameron (<i>High Park</i>),	Gelber,	Loney,
Casselman (Mrs.),	Gray,	MacEwan,
Chatterton,	Herridge,	Martineau,
Choquette,	Kindt,	Nixon,
Deachman,	Klein,	Noble,
Dinsdale,	Knowles,	Patterson,
Dubé,	Konantz (Mrs.),	Pugh,
Fairweather,	Lachance,	Regan,
		Richard—35.

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

ORDER OF REFERENCE

MONDAY, July 20, 1964.

Ordered,—That the names of Messrs. Loney and Noble be substituted for those of Messrs. Nugent and Macquarrie on the Standing Committee on External Affairs.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

MINUTES OF PROCEEDINGS

TUESDAY, July 21, 1964.
(58)

The Standing Committee on External Affairs met at 3.30 p.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Jones, Mrs. Konantz and Messrs. Aiken, Brown, Cadieux (*Terrebonne*), Deachman, Dinsdale, Dubé, Fairweather, Forest, Gelber, Herridge, Knowles, Klein, Laprise, Loney, MacEwan, Matheson, Noble, Patterson, Pugh (21).

In attendance: From the External Aid Office: Mr. H. O. Moran, Director General, and Mr. K. W. MacLellan, Executive Assistant to the Director General.

The Chairman recognized the presence of a quorum and suggested that the Committee consider simultaneously all the items pertaining to the External Aid Office in the Main Estimates and Supplementary Estimates (A) of the Department of External Affairs. This being agreed, the Chairman called the following items:

External Aid Office

30	—Salaries and expenses	\$ 796,600
35	—Economic, technical, educational and other assistance	75,600,000
30a	—Salaries and expenses	29,100
L14A	—Special loan assistance for developing countries in the current and subsequent fiscal years	50,000,000

The Chairman introduced the witnesses, Messrs. Moran and MacLellan, and referred to a paper prepared by the External Aid Office which had been distributed prior to the meeting.

On motion of Mr. Herridge, seconded by Mr. Patterson,

Resolved,—That this Committee now adjourn to an air-conditioned committee room in the West Block.

The Committee thereupon took recess and reconvened in the West Block.

Mr. Moran made a statement and was questioned.

The items were carried.

The Chairman thanked Mr. Moran for the information he had supplied to the Committee.

At 6.10 p.m. the Committee adjourned until 3.30 p.m., Wednesday, July 22, 1964.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

TUESDAY, July 21, 1964.

The CHAIRMAN: Dr. Jones, Mrs. Konantz and gentlemen, we have a quorum. Today we are here to resume consideration of the estimates of the Department of External Affairs. This afternoon we are to proceed with external aid office, items 30 and 35 on page 99 of the main estimates, and item 30a on page 6 of the supplementary estimates, and item L14a on page 27 of the supplementary estimates.

Department of External Affairs

External aid office—

30 Salaries and expenses, \$796,600

35 Economic, technical, educational and other assistance as detailed in the estimates, \$75,600,000

30a—Salaries and Expenses \$29,100

Telephones and telegrams, \$3,500

Publication of reports and other material, \$15,000

Office stationery, supplies and equipment, \$10,600

External Aid Office

L14a—Special loan assistance for developing countries in the current and subsequent fiscal years, subject to such terms and conditions as the governor in council may approve, for the purpose of undertaking such economic, educational and technical projects as may be agreed upon by Canada and the developing countries or recognized international development institutions, \$50,000,000

Our witness today is Dr. H. O. Moran, director general of the External Aid Office, and Mr. K. W. MacLellan, executive assistant to the director general.

Mr. HERRIDGE: Mr. Chairman, I rise on a question of privilege. I think we are a lot of silly fools to meet in this hot room when we have a good air conditioned room over in the west block. Therefore, I move that the committee adjourn to an air conditioned room in the west block, and reconvene as soon as assembled.

Mr. PATTERSON: I second the motion.

The CHAIRMAN: The motion is moved by Mr. Herridge and seconded by Mr. Patterson. Is it the pleasure of the committee that we vote on the motion? All those in favour? Those opposed?

Motion agreed to.

The CHAIRMAN: I take it the motion is unanimous. Would the committee permit that we not recess our meeting until we are assured that premises are ready for us in the west block?

Mr. HERRIDGE: That is all right.

The CHAIRMAN: As soon as that is ascertained, we will adjourn for a few moments and reconvene.

Ladies and gentlemen, you all have received a report on Canada's external aid programs. I give you Dr. Moran.

Dr. H. O. MORAN (*Director General, External Aid Office*): Thank you, Mr. Chairman. Again this year we have placed in the hands of committee members, as you Chairman mentioned, a document containing statistical tables and some general information on Canadian development assistance programs during the past fiscal year. In the knowledge that research and reading place a heavy demand on the time of members of parliament, we have purposely kept our memorandum brief. It is designed to provide only background material against which members of the committee may later frame questions on points of special interest to them.

The CHAIRMAN: Ladies and gentlemen, I am sorry to interrupt Dr. Moran, but room 208 in the west block is available. If you will permit me, I will adjourn this meeting and we will reconvene immediately in room 208 in the west block.

The committee took recess.

—Upon resuming:

The CHAIRMAN: Ladies and gentlemen, we will come to order in these new quarters, and with the permission of the committee, hereafter we will meet here or in such other accommodation in the west block as is convenient until our sittings are finished.

Mr. MORAN: In the other place, I had said that this document which has been placed in the hands of committee members really is intended for general background information to help and guide the committee to specific questions on details in which they might be interested.

In the fiscal year 1963-1964 we continued to stress quality in our program and to provide Canadian goods and services in those fields where the receiving countries have placed the highest priorities within their national development plans. During this past year the Canadian aid program has been the subject of favourable comment both in newspaper articles and public speeches in the developing countries. All of our capital projects have proceeded quite satisfactorily, and many impressive tributes have been paid by the local people to the individual Canadians serving abroad in various capacities.

There was a further increase last year in our technical and educational assistance activities, especially in those countries where training is still among the most vital requirements. In each of the past four years the number of training programs arranged in Canada has moved steadily upward from 711 to 849, to 1,043, last year to 1,423 and this year it probably will be closer to 1,600.

Our recruitment of professors, teachers and technical advisers to serve overseas is similarly reflected in an ascending graph. In 1960 the number was 83; the next year 126, then 235, and last year 340. These are individual instructors who are in addition to the large numbers of Canadian engineers and construction personnel employed on our various capital projects.

During this past school year there were 160 secondary school teachers in the field. In September, when the next academic year begins, the External Aid Office will have 240 secondary school teachers under contract.

Technical assistance obviously does not involve the same heavy expenditures of money that are incurred in large capital projects but, because it deals almost exclusively with people, it is a more difficult and delicate program to operate, and the accompanying problems of pay, allowances, transportation, health, morale and accommodation, place a much heavier work load on the External Aid Office.

Some months ago, without cost to us, a management expert made a study of the relative administrative costs of technical assistance and capital assistance.

Applying an arbitrary but rational distribution of internal office services and executive salaries he found the ratio to be 74 per cent to 26 per cent. Translated into work load, as represented by salaries and expenses, he calculated that a shift of about \$1½ million of aid funds from capital assistance to technical assistance would relieve the administration of the former by one man-year of work, and would increase technical assistance administration by some 30 man-years of work. You will see, therefore, that when estimating establishment needs for an aid organization it is necessary to take into account not only the effect of an over-all increase in aid appropriations but also the consequences of a shift from capital and commodity aid to technical assistance.

This might be an appropriate time to express the sincere appreciation of the external aid office for the most helpful recommendations on staff requirements which were included in your report to parliament last December. Not only was there a notable speed up in processing our establishment requirements by the Civil Service Commission and the treasury board, but the recruitment procedures also moved forward more quickly than we have ever experienced before. This improvement, Mr. Chairman, can be traced directly to the interest of this committee and the support which it has recorded.

Before leaving technical and educational assistance, I would like to mention the achievements of two overseas students which I am sure will please the committee. While the record of the students and trainees brought to Canada under government programs has been consistently good, the two who deserve special mention this year have just completed their courses of study at the University of Ottawa.

Mr. Mustapha Conteh of Sierra Leone received his degree of bachelor of science in electrical engineering at the recent convocation and was also awarded the gold medal for the student with the highest standing in engineering. At the request of his government we have agreed to extend his scholarship to permit post graduate study at the University of British Columbia.

The second student was Mr. Othman bin Nor of Malaysia. After four years at the University of Ottawa—during which he was named in the honours list of the dean of science in each of those years—he was awarded an honours science degree *magna cum laude*, and at the same time he was awarded the gold medal for the highest standing amongst the science graduates in 1964. The International Nickel Company has granted him one of its research fellowships for post graduate study in Canada before he returns home.

I might now turn to project aid which, as you know, consists of power stations, irrigation dams, warehouses, docks, cement factories and things of that nature. Throughout the 1950's this type of aid dominated western assistance programs, in part because of the importance which the developing countries themselves attached to industrialization, and in part because such structures stood as visible testimonials to a donor's generosity and therefore had greater public appeal. But by the 1960's some of the receiving countries, notably India and Pakistan, had reached a stage in their development when their most urgent requirements were for raw materials to feed the industrial base, as well as for spare parts and replacement equipment to permit the fullest utilization of the countries' existing productive capacity. Such items are known as non-project assistance, since the contributions are not tied to any specific project.

A world bank mission to Pakistan early this year reported that foreign financial assistance which is not tied to specific projects will produce a greater impact on Pakistan's rate of growth in 1964-65 than could be obtained from an equivalent amount of project assistance. The finance minister of Pakistan, in his budget speech last month, put it this way:

As we have impressed on all of our friends, we need more finance directed to the field of commodity aid, so that the capacity of quite a large proportion of our industry can be brought into operation more fully.

Canada and the United States were among the first countries to recognize and respond to this type of request, with the result that during these past three years 50 per cent of the Canadian grant aid program has consisted of non-project assistance. This has served to single out the Canadian program by the governments of India and Pakistan and by international forums as an example of the balanced contribution which donors should strive to achieve. This does not mean we have abandoned capital projects, nor have they become less important. In fact, capital assistance still represents the largest segment of our aid effort in terms of dollar expenditures. This is because most developing countries realize that a sound infrastructure is necessary to attract private investment, and they wish to use large amounts of their available aid resources for this purpose.

You will see from our summaries of the country programs that we have underway a variety of capital projects which are related to long term objectives and are designed to help the receiving countries meet the growth targets they have set for themselves in their national development plans. Several new projects are now under discussion with overseas governments, some of which will be included in our current year's program. As in the past, they will be joint undertakings, with Canada providing Canadian goods and services and the overseas country paying all of the costs of local labour and local materials. Reference to this sharing formula is made in our memorandum at the bottom of page 2 and at the top of page 3.

Last year a committee member suggested that there would be an advantage if, when reporting the costs of our various projects, we listed in a separate column the amounts contributed by the developing countries. We have done this in respect of our current projects on page 26 of the memorandum. You will note that the estimated total contribution of the developing countries will be slightly in excess of the Canadian expenditures.

It was also suggested last year that opposite individual appropriations we might indicate the proportion which had been spent in Canada. Since virtually all of our aid funds are spent within our national boundaries, such a table would consist of two almost identical columns. However, you might be interested in the broad expenditure pattern which illustrates how and where our economy has benefited from the external aid programs. To date, the total of grant aid appropriations has been almost \$500 million, and according to our records these moneys have been allocated to the following general categories: \$98 million for the supply of base metals and asbestos; \$84 million for wheat and flour; \$18 million for fertilizers and pesticides, and another \$18 million for wood products.

In the field of equipment, \$39 million has been used to provide transportation items such as locomotives, road vehicles, aircraft and ships. A further \$10 million represents the supply of equipment for agriculture, forestry, fisheries and telecommunications. Our largest allocations, approaching \$190 million, have been for surveys, feasibility studies and the construction of capital projects. This produces a total of \$457 million. The balance represents mainly expenditures on salaries, allowances and transportation for Canadian advisers proceeding abroad and the cost of training programs arranged within Canada for overseas students.

The variety of Canadian materials and equipment required to complete a project ranges all the way from huge generators to tiny rivets. One single project which is due to be completed next year has, during its period of construction, generated more than 300 orders for Canadian manufacturers. This is the number of prime supplier contracts, from which has flowed a large volume of subsidiary orders for component parts. A rough calculation reveals that during the past fiscal year about 750 different Canadian manufacturers and suppliers participated in the Canadian grant aid programs. It would be difficult to calculate exactly the employment created for Canadians over the years, but it has

been estimated that each \$1 million of foreign aid represents 120 man-years of work in Canada. On this basis our bilateral grant aid programs would have created in the past year about 6,000 man-years of work in our country.

The services of Canadian engineering consultants continued to have an important place in our program. As I have stated publicly on other occasions, the experience and expertise of Canadian engineers rate with the best in the world, and I regard engineering services as one of the most valuable and effective contributions which Canada has to offer. As of this date, 33 engineering consultant firms from all parts of Canada are employed overseas under contract to the external aid office. I would expect that as the 1964-65 program develops additional Canadian engineers will be engaged for work in Asia, Africa and the Caribbean.

Mr. Chairman, I was absent from Ottawa last week, but I understand that my minister, when he met with the committee on Thursday, answered a number of questions about vote 35. Therefore, it is probably unnecessary for me to say more than a brief word about what will be achieved if this vote is approved in its present form. In respect of our bilateral grant aid programs, you will see that provision has been made for \$48.5 million, which represents an increase of about 20 per cent over the amount requested and approved for these purposes last year. As indicated in the language of the vote, bilateral grant aid will be extended to those countries previously eligible to receive this type of assistance.

This year it is proposed that all bilateral grant aid funds be placed on a non-lapsing basis, and I know that members will appreciate how greatly this will facilitate both programming and planning.

A separate item in the amount of \$100,000 has been included for international emergency relief. In previous years when Canada wished to respond to a request for help from a friendly country following an earthquake, cyclone or some similar disaster, there was no existing appropriation from which such a contribution could be made. The practice has been for the government to make a grant at the time of the emergency and later obtain parliamentary approval through supplementary estimates. It is proposed that the more normal procedure be followed of asking parliament to approve at the time the main estimates are being considered a sum of money to be used for emergency relief on appropriate occasions. In the usual way a report will be given to parliament on any expenditures made. It is clearly not possible to determine in advance the probable number or extent of disasters, but the estimate of \$100,000 is based on the experience of recent years.

In the past, grants of wheat and flour to countries in southeast Asia and our contribution to the Indus basin development fund have been made from the Colombo plan appropriation. This year both of these items have been lifted from our bilateral grant aid program and are included separately, as you will see, under vote 35.

Parliament is being asked to approve \$15 million for an international food aid program which will include the contributions to the United Nations relief and works agency for Palestine refugees in the Near East, to the world food program and under the Colombo plan. As you know, the \$8.5 million reduction of Colombo plan funds in 1961-62 took entirely the form of wheat and flour. Approval of this appropriation for the food aid program will permit shipments of wheat at the previous levels to India and Pakistan where food shortages still exist.

The main estimates also provide separately in 1964-65 for a \$7 million contribution to the Indus basin development fund, as compared with last year's contribution of \$4 million which was a charge against the Colombo plan.

Total Canadian grant aid funds to be provided in 1964-65, including both bilateral programs and contributions to multilateral agencies, will, if these estimates are approved, be almost 50 per cent above the 1963-64 level.

The main area of expansion in the Canadian aid program, however, will take the form of long term development loans. Authority for \$50 million is being sought in the supplementary estimates to permit a loan program to developing countries on terms as described by the minister last week. These development loans will be available to countries eligible to receive grant assistance and in addition to Latin American countries. We have held discussions with the Inter-American Development Bank in an effort to work out appropriate procedures designed to ensure that Canada's special development lending to Latin America will make an effective contribution.

This year we will continue to operate a balanced program consisting of project, non-project, technical and educational assistance as required by the countries which Canada is trying to help, and we will endeavour to maintain the qualitative aspects of our assistance. The form and content of the Canadian program has never been a subject of criticism in international meetings, and if the increased resources being sought in these estimates are authorized Canada will have taken some action to reduce the complaints concerning its levels of aid.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Mr. Moran. I will now recognize Mr. Cadieux.

Mr. CADIEUX (*Terrebonne*): Mr. Chairman, first of all, I think we should extend congratulations to the department for the magnificent summary given to us. It is very useful and I think everyone who has read it has gained a very comprehensive idea of the general aid program.

The CHAIRMAN: Excuse me. Before you continue, Mr. Cadieux, is is agreeable that our questions will be jointly in respect of items 30, 35, 30(a) and L-149?

Mr. CADIEUX (*Terrebonne*): My questions are in respect of technical aid.

The CHAIRMAN: Yes. In other words, we will cover the whole field in which Dr. Moran is interested rather than trying to confine ourselves to one small aspect or another?

Mr. CADIEUX (*Terrebonne*): Yes.

The CHAIRMAN: Is that agreed?

Some hon. MEMBERS: Agreed.

Mr. CADIEUX (*Terrebonne*): Mr. Moran has said that there was a shift from capital projects to technical aid programs. Does that mean in both bilateral and multilateral programs in respect of which aid would be extended there has been this shift? I ask that question because on page 22, while there is an increase in bilateral assistance and technical aid programs, there seems to be a reduction in multilateral programs. For instance, in 1963 the number of students would be increased from 1,000 to 1,400, while under paragraph (c) we see that from 1962-1963 it was reduced from 235 to 163. Is this trend going to be reversed next year or are we going to rely more on bilateral than multilateral aid programs?

Mr. MORAN: Mr. Cadieux, perhaps the first point is that whatever figures are shown under table (c) for the United Nations they bear no relation to Canadian expenditures. Canada makes an annual contribution to the United Nations technical assistance program and to the United Nations special fund, and these organizations may spend this money how they wish and where they will. The same organizations do turn to us on occasions to ask whether Canada can, with all costs being borne by the UN agency, place a student or trainee in a Canadian organization, academic institution or business firm. These figures in the table on page 22 represent no increase or decrease in Canada's contribution. They do of course, represent an increase or decrease in the amount of administrative work that the External Aid Office must perform on behalf of the United Nations.

To the second part of your question as to whether this represents a continuing trend, I cannot give you an answer. This will depend in large measure on the type of requests directed to the United Nations by the receiving countries. If the UN is asked to train people in fields where Canada is considered to have some expertise they will turn to us. For example, some of the figures for the earlier years represent United Nations' efforts to place in Canada French speaking students from the Congo. There has been a sharp reduction in the number of training programs for that area in the last year or two. Another source of requests is the United States which does not have adequate facilities for courses in the French language and will ask us to arrange a program in Canada, which we frequently do, with the United States aid organization paying all of the costs involved out of the United States aid appropriations.

Mr. CADIEUX (*Terrebonne*): I have one other question which does not relate to your summary but I think it is relevant.

We refer these days, following the prime ministers' conference in London, to an organization of some kind such as a permanent secretariat of the commonwealth. In the event of such an organization being set up, is it likely in your estimation that some of the aid, provision for which is being prepared now, would be directed more extensively through that particular channel?

Mr. MORAN: I think it is perhaps too early, Mr. Cadieux, to anticipate what form any new secretariat might take, or what its range of responsibilities might be. While I have only a limited knowledge of what the participants in the prime ministers' conference had in mind, it is not my understanding that they thought of this secretariat as an organization through which aid would be channelled, although the secretariat might give thought to aid procedures. It might present views or recommendations and proposals for individual countries to study. This secretariat might also be a source of suggestions for a more co-ordinated commonwealth effort in the field of technical assistance. I would not see it as an active organization itself for either the administration of aid or the channelling of aid. I see the proposed secretariat having a quite different responsibility and a quite different role.

Mr. CADIEUX (*Terrebonne*): It seems to me that the Colombo plan relates to southeast Asia but in the case of Africa, for instance, I understand from the notes that have been given to us that almost an equivalent to the Colombo plan would be set up in respect of African countries. That is the impression I gained from reading these reports, and this would presumably be an organization along the same lines for more direct application to Africa where the need is greater.

Mr. MORAN: I had not thought of this secretariat in terms of performing a specific function of this type. Of course, aid for southeast Asia is not channelled through the Colombo plan. The Colombo plan is a piece of co-ordinating machinery, with all aid negotiations being carried out bilaterally and all aid flowing bilaterally into southeast Asian countries. In the commonwealth states of Africa, the umbrella is the special commonwealth African aid program with the African countries on one side and Britain, Australia, New Zealand and Canada on the other. But here too, all of our aid is given bilaterally and all of our negotiations and discussions with these African states are carried out bilaterally.

Mr. HERRIDGE: Mr. Chairman, I should like to join with Mr. Cadieux in congratulating Dr. Moran, and his staff in respect of this excellent report and the work that has been done in recent years. I think there has been a much greater understanding of this situation since the external aid office was formed.

There are members of the committee to whom this subject is somewhat new, and I am one of those individuals who always like to understand how

the gizzards of an organization work. Would Dr. Moran mind explaining to the members of this committee, in respect of the Colombo plan and other plans, just how applications are made by countries or individuals, how they are processed here, how they are authorized and how they are supervised overseas, and inform us how the information is sought in respect of the expansion or limitation of these programs? I think this information would give this committee some idea of just how the organizations work.

Mr. MORAN: Mr. Chairman, in order that we may establish a proper understanding may I point out that I am just a plain "Mr."

In reply to your question as to how Canada becomes engaged in projects, I should explain that ours, like the programs of almost all donors, is a responsive one, and by that I mean, we act in response to requests directed to us by the developing countries. We leave it to them to establish their own priorities within the various categories of aid which Canada is in a position to offer. Our only insistence is that the project will contribute to the economic or educational development of the country and that it be included within the country's national development plan.

The insistence on this principle has served to induce developing countries to draw up national development plans. That in turn has made it possible for external aid from all countries to be provided in a more orderly way and on a better co-ordinated basis.

To deal first with capital projects—when a request is received by Canada, which will generally come through the Canadian diplomatic mission in the country concerned, we examine it to see whether it is within the capabilities of Canadian engineers and Canadian construction firms. If so, we next investigate to determine whether the required equipment and materials are available in Canada. If those two criteria are satisfied we then apply the normal economic considerations which will help us in reaching a decision. Will this project contribute to development? Will the product be competitive? Does the country have the required management personnel? Have they the trained people to operate and maintain the plant after they have received it? The project if it is considered an acceptable one for Canadian financing, is submitted to cabinet, and, if given approval we then notify the receiving country.

I will disclose an office secret. We try very hard to have the decision on the project and the decision on the award of contract to the Canadian consultant made simultaneously; otherwise, if word gets around that Canada is undertaking a particular project we are inundated with engineers' representations from coast to coast. Recently, for example, there was a project approved for an airport in Ceylon but no decision was taken about the engineering consultant. The Ceylonese government was informed of the Canadian acceptance of the project and it made a public announcement on its own. Word of this came back here and I think there were few engineering companies in Canada, which were not in touch with Ottawa immediately pointing out their capabilities for that project. To relieve ourselves of correspondence, visits and various other forms of representations we try to have the two decisions made together so that the announcement will relate not only to the project but to the selection of a Canadian consultant firm.

That is the next step—appointing a consultant who will be given all of the documentation on which we had based our judgment of the project. Sometimes the data are insufficient for him to proceed with design, the drafting of specifications and things of that nature, and he may find it necessary to go out to the developing country to make a more detailed study or survey on the spot.

As far as construction is concerned, tenders are called and companies have the opportunity to bid for the construction contract. All machinery, equipment and materials required are similarly obtained through open tender call. One

other requirement on our part is that the recipient country pay all costs of local labour, local materials as well as the transportation of the Canadian equipment and materials between our country and the project site. In other words, we deliver at seaboard in Canada.

There are perhaps three reasons for our placing great importance on this principle of self-help. The first is it ensures that the developing country has carefully studied the project and has attached a genuine priority to it. This is more clearly established if the country itself is making a substantial contribution.

Second, it is not the most effective use of foreign exchange to simply convert it into local currency to meet local costs. Such funds, foreign exchange, should be reserved for the types of things that must be imported from abroad.

The third factor is, of course, a domestic one. The size of a foreign aid program in any country depends to a great extent on the measure of public support it receives and the individual who has personally experienced some benefit such as a contract under an aid program, is more likely to become an enthusiastic supporter of foreign aid.

This practice of paying only the foreign exchange costs and supplying only equipment and materials from Canada, which is called "tied" procurement and is common to aid programs of all donor countries, is one means of maximizing the total amount of aid that can be made available. While there are some aid theorists who condemn this practice, most of the receiving countries see in the tied procurement policy a benefit to themselves. They recognize that it does make possible larger aid appropriations in most of the western countries. I happen not to belong to the school of thought that feels there is something evil in tied aid.

I think the argument might have had some validity in the 1950's when receiving countries had only two or three sources of supply to turn to, because of there being only two or three aid-giving nations. However, today when almost every advanced country in the world has its own aid program, the developing country can decide where to direct its request after considering price and quality. In other words, developing countries will ask Canada only for those items where they know we can offer comparable quality and competitive prices. They have studied the markets and are familiar with the various price ranges.

In any event to go back to the main theme, after the appointment of the consultant and the contractor, the project is in their hands, working under the supervision or guidance of the capital projects division of the External Aid Office, which is composed of engineers and architects. When the project is completed there is usually an opening ceremony in which Canadians and local people participate. A week ago last Saturday, for example, the deep water harbour at St. Vincent was handed over, and I show you an issue of the local paper of that day which carried a front page article under the heading "This is the day—Saturday, July 11—Harbour Day".

Here is another West Indies paper through which a fairly substantial amount of favourable publicity resulted for Canada.

A week before we had a ceremony in Barbados when a warehouse Canada had constructed, which represents one of the vital needs all through that area, was handed over. Here is a copy of the paper published in that island containing an article under the heading "Canadian Aid Program Praised—Warehouse At the Airport—Southwell breaks soil".

That perhaps carries us through, Mr. Herridge, the procedure on capital projects.

In respect of training programs, as this committee knows from my comments in other years, I felt perhaps there had been too ready a response to

requests without reference to conditions in the overseas countries. Perhaps we did not investigate closely enough to determine whether opportunities existed to put the training to effective use when the trainee returned home. More time and attention, I think, are being devoted to this aspect of training at the present time.

I feel there are advantages in handling trainees on a group basis instead of bringing great numbers of students and scattering them across the country in a whole miscellany of fields of instruction. One or two years ago we attempted to move toward more group training and so far, we have established three courses. One is the farm co-operative program. The second is a labour-management course conducted at the school in Montreal, set up by the Canadian Labour Congress. The third is a public administration course here at Carleton university. We established it there because of its proximity to government departments where these students can obtain their practical training during the summer.

This is the first year for the labour-management course and there are 55 students attending from developing countries.

We have three other fields in mind which we have been discussing. One is with C.B.C. and some of the private broadcasting organizations in an attempt to set up a school to train personnel in broadcasting and t.v. techniques. T.v. has become one of the very important instruments of education in developing countries where there is such a severe shortage of teachers. Many people, when they hear of UNESCO or some other organization helping to establish a t.v. system, think it is to enable people to watch *Bonanza* or the *Jack Parr* show. T.v. involves something much more important. I have quotations here from reports of two different organizations indicating how vital this medium is in education.

We have not so far engaged in the actual construction of a t.v. system, but we have provided advisory services. Our work in Malaysia is an example, where we have had two Canadians for more than a year instructing people on the problems of broadcasting in two languages, a technique with which Canada has had considerable experience. In addition to radio and television broadcasting, the other two possible group courses are fisheries and forestry. Eventually, I would hope our training arrangements will be preponderately in the form of group programs where groups of trainees arrive at the same time and go through the one course together.

The other side of technical assistance concerns requests for advisers and teachers. Here, an increasingly difficult problem is the lack of adequate accommodation overseas. The developing countries are obtaining the services of more and more teachers and advisers from many of the western countries and the housing problem is perhaps the most restrictive factor at the moment in our effort to enlarge the program. It is not money but, as I say, accommodation, a place for them to live. Not only is it important for the individual's morale and comfort but if his experience has been an unhappy one and he comes back and makes known this fact to his colleagues it prejudices our recruitment program the following year. In Africa we are encountering real problems in this respect. In fact, the matter of housing has become so acute that we now must ensure before the person ever leaves Canada that there is suitable accommodation for him. We have had people go out under a promise of accommodation which has never materialized. On occasions they have had to return their families to Canada. Others have had to live in substandard hotel rooms month after month, and sometimes they have finished their assignment and accommodation still has not been forthcoming. Now, this is one of the things we must insist upon before the individual leaves for his assignment. That covers technical assistance.

The CHAIRMAN: Have you a question, Mr. Aiken.

Mr. AIKEN: I have a few questions which are probably more specific.

I was going to ask about television in Malaya, which is listed here. I assume this is justified through education and that the half million dollars that has been expended on behalf of Canada is on the basis that it is an aid to education in a developing country.

Mr. MORAN: Yes. It might be worth while putting something on the record at this time because there is a misconception about the place of television in a developing country.

I will read an extract from a press release following a commonwealth broadcasting conference: "The conference fully recognized that, in television, educational programs of the widest range were of increasing importance. It was also realized that such programs would have special significance in developing countries in which both television and radio broadcasting have an important part to play toward meeting social and economic needs."

I have here another release following an international conference in 1962-63: "In countries which have not yet achieved the living standards of Canada, in particular those countries which have just emerged into a state of self-government, radio and television are becoming prime tools for the education of the people. Besides school broadcasts, these newly independent countries which already enjoy a broadcasting system are engaging in programs geared for adult education, for cultural enlargement and for communication with the country's youth." UNESCO has worked out a scale of the number of sets per capita that should be available for proper educational instruction.

Mr. AIKEN: I have another question which is preliminary to what I originally intended to ask and it arises out of Mr. Herridge's question. It relates to the simultaneous announcement of the project itself and the engaging of a consultant firm. In what manner is the consulting firm engaged? I am concerned about a monopoly or where friends of the government would be given priority, or whatever way you want to put it. I understood you to say that the tenders for material and labour were called publicly but I wondered about the consulting firm itself. Would you care to comment upon that?

Mr. MORAN: Yes. Of course, there is a fundamental reason why engineering contracts are not by competition or competitive bids. I happen to be a lawyer and I know some members of this committee are also lawyers. Our profession, as you know, does not permit members to compete for briefs or retainers. Similarly, the ethics of the engineering profession will not permit them to compete for contracts. So, contracts must be let by means of awards, and the decision on both the project and the engineering consultant is for the government to make.

In general, the following has been the policy over the years, or at least it has been the policy since I have had any responsibility in the field of aid. The contracts are awarded on the widest possible basis and to the maximum number of consultants for two reasons. One is to ensure a proper distribution of the fees; a sharing of the wealth, so to speak. The second reason is to give a maximum number of Canadian firms experience abroad and to have their name become known in Asia, Africa and in other overseas countries. This places Canadian firms in a more favourable position when seeking commercial contracts in those parts of the world. You are aware that not all projects in the developing areas are carried out under foreign aid programs; some countries, through loans from the world bank or other international lending agencies or with their own resources are financing many of these projects themselves, and before they employ an engineering consultant they require him to fill out a pre-qualification pro forma. One of their questions usually is: Have you ever performed services in this area? Or, sometimes the question is as narrow as: Have you ever performed services in this country? If he has to answer "no" the chances of getting

the contract are reduced considerably. Our aid programs place many Canadian firms in the position of answering "yes" and thereby improving their chances of obtaining a commercial contract.

With us, the prime requirement is that the company has had experience on the particular type of project we are undertaking; that they have, in fact, built a bridge or power station or warehouse as the case may be. In other words, we cannot afford to let Canadian engineers practice on aid projects where our national reputation is at stake and, indeed, the reputation of the entire Canadian engineering profession. A recent example was the Idikki project in India which is a power station with an arch-dam. We do not generally have these in Canada and as a result there are almost no Canadian engineering firms which have had direct experience in the construction of an arch-dam. One exception was Surveyer, Chenevert, who had been engaged on the Manicouagan dam in Quebec where this firm had gained first hand experience. That fact influenced the direction of the contract. The 33 firms I have mentioned are located all the way from St. John's, Newfoundland to Vancouver.

From our standpoint it would be much easier administratively if it was possible to select three or four engineering firms, one of which was competent in roads, another specializing in power projects, and so on, who would always be our consultants because we would not then have to go through an indoctrination period with a series of companies which have never worked for the government before. It is often a very frustrating experience for them trying to adjust to government procedures. Take, for example, an engineer who is trying to phase-in equipment on a project 10,000 miles away when he is confronted back home with a tender call procedure which sometimes results in three or four months' delay in equipment procurement.

Mr. AIKEN: And, with two governments it is even worse.

Mr. MORAN: Yes. But, eventually they resign themselves to the system and that is why I say it would be simpler from our standpoint to deal only with firms which have learned the drill. On the other hand, I think the present practice reduces the possibilities which worry you.

Mr. AIKEN: I was concerned mainly about the fact of Canadian firms being spread about and not on a more or less preferred list because they are acquainted with the business. But, if they have to answer that they have had previous experience, then one wonders how you get into this field.

Mr. MORAN: Yes; it is like the chicken and the egg in the case of overseas commercial contracts.

Mr. CADIEUX (*Terrebonne*): I have a supple question, Mr. Chairman. Then, is the next step for the trained personnel you have in external affairs to sort of supervise the work?

Mr. MORAN: Yes, but these people are not in external affairs. They are in the External Aid Office.

Mr. CADIEUX (*Terrebonne*): I notice in the list of projects enumerated here that in most cases the contributions made by the receiving countries is almost as big as, if not bigger than what Canada gives. Does it ever happen there is a conflict in the realization of the project with regard to this question of supervision? How can the Canadian sort of butt in. That is the thing I cannot quite understand because I would imagine the receiving country will have trained supervisors and they are experienced almost as much, if not more. Also, it is their project and because it is it has to be done to their own specifications or needs. Is there not room for conflict there?

Mr. MORAN: I think there might be one day, but that stage has not yet been reached in most of the countries we help, with the possible exception of India. In most of the developing countries, one of the prime requirements is

engineering services as well as trained supervisory personnel. These services are part of the help we give and the Canadian expenditure figure includes the fees of engineers and the cost of supervision of construction. Our aid expenditures are not solely for equipment and materials.

I will carry that a step forward for the background information of the committee. In my experience, the most urgent requirement in almost all of the developing countries today is for people to help them with project preparation. The pipe lines of so many of the aid programs are clogged to-day with funds which remain unexpended because projects are not ready. The receiving countries will come to you with a request for assistance within a general plan but it may take a year or two before any specific projects emerge. Invariably when a project is submitted you will find it is necessary for an engineering firm to go out and make a detailed feasibility study before even preliminary consideration can be given to it.

Even though I had lived in those countries for $8\frac{1}{2}$ years one of the great surprises to me upon taking up this appointment was the slow pace with which a capital project moves forward. In Malaysia they have proposed a power project on the upper Perak river to meet an almost immediate need for additional power. The main project was too expensive for Canada to consider since the foreign exchange costs amounted to about \$25 million. However, they asked if we would do a feasibility study upon which they might base an application for a World Bank loan. They need that power next year but it is going to take $1\frac{1}{2}$ years to complete the engineer's feasibility study, after which perhaps four years will be needed to complete construction. That is why I say the greatest deficiency in the developing countries is engineers and planners to help prepare projects well in advance.

Mr. AIKEN: I have two more questions and then I will be glad to yield the floor to someone else.

My first question relates to the item of \$5 million payable to Atomic Energy of Canada Limited, for nuclear power stations—design and information—in India. Could you tell us if this is a carryover from the Canadian construction of the nuclear power station in India?

Mr. MORAN: Well, there are two nuclear projects in India with which Canada is associated. There is the nuclear reactor for training purposes at Trombay, which you might be thinking of. It was provided under our aid program some years ago.

Mr. AIKEN: I am thinking of the atomic energy research station.

Mr. MORAN: Ours was not a power station but a reactor, and it was given for training.

Mr. AIKEN: That is the one to which I was making reference.

Mr. MORAN: No; this amount is not connected with Trombay. This concerns a nuclear power station which the Indians are building at Rajasthan, and the \$5 million represents a contribution under our aid program for technical data, drawings, specifications and so on which have been developed by A.E.C.L. and Canadian General Electric.

Mr. AIKEN: Is this mostly a bookkeeping entry? In other words, A.E.C.L. is a Canadian government agency, and I understand they do have patents on a good many of these things. However, it is difficult for me to understand why it would cost the government of Canada \$5 million to provide plans and assistance on a nuclear station when the information is available from Atomic Energy of Canada Limited.

Mr. MORAN: There are a number of bookkeeping entries in our operations, I suppose. We may recruit a technical adviser from the Department of Transport or from the Department of Mines and Technical Surveys, and while he is abroad

his department is no longer responsible for his salary; we are. To that extent, I suppose, our salary payment is a bookkeeping entry. Or when we employed the Canadian Commercial Corporation as our purchasing agent they used to charge us one half of one per cent of the cost of the item as a service fee. This payment to a crown agency is pretty much a bookkeeping item, too. But, this \$5 million is the market value, in effect of the drawings and specifications that were handed over to India.

Mr. AIKEN: Well, what form does this \$5 million take? Is it a straight payment to Atomic Energy of Canada Limited, and are these patented plans and design?

Mr. MORAN: Probably, but that I could not answer. I could not answer because I do not know. But, as you are aware there are various types of nuclear power stations. The Americans, the Canadians and the British all have their separate designs and this is technical data that is necessary for any country which is going to construct, operate and maintain a nuclear power station of the Canadian type.

Mr. AIKEN: It seems to me that this is nothing more than a grant to Atomic Energy of Canada Limited.

Mr. MORAN: Oh, no. For example, the time of their professional people must be reflected in salaries. Materials and things of that nature, are also part of the cost. There is always a figure for technical know-how, although I am not informed as to how you place an exact price on it. It is like the lady who went in to get a specially designed hat. The designer took a piece of ribbon, manipulated it into a fancy creation and put it on her head. When he told her the price was \$50 she exclaimed: "\$50 for a little piece of ribbon; that is ridiculous." He removed the hat, unravelled the ribbon and handing it to her said: "Madam, the ribbon is free."

Mr. AIKEN: Well, this is really a grant to Atomic Energy of Canada Limited which is not in any way broken down.

Mr. MORAN: No; this is a grant to India which required this technical data. You could say the same thing in the case of anything that is supplied under an aid program. You could say that the amount we pay for aluminum is a grant to the Aluminum Company of Canada because the Canadian government purchases their product. It was the Indians who purchased it and the bill was submitted to us for payment against an approved aid project. You could say we make grants to the Canadian General Electric Company every day in the year on this kind of thinking. They produce a generator for Pakistan or Nigeria to be supplied under the aid program and the bill comes to us. This know-how is not given away; it represents real value, and it is assistance to India. They needed it and made a request to Canada to provide it as an item of aid. We agreed to do so and obtained it for them.

Mr. AIKEN: Well, I guess it does not matter what we call it; it is \$5 million that goes into Atomic Energy of Canada Limited.

Mr. MORAN: And also, it is a \$5 million saving in India's foreign exchange.

Mr. AIKEN: The federal government underwrites the cost of Atomic Energy of Canada Limited so this is nothing more than a bookkeeping entry, in effect.

Mr. MORAN: I say that there are many of the operations within the aid program which might be described as bookkeeping entries. I mentioned the services of a mineralogist from the Department of Mines and Technical Surveys; we pay his salary while he is on assignment for us, but you could argue it is a bookkeeping entry.

Mr. AIKEN: Then I have one other question in connection with the food program. It is listed at \$15 million and it includes the world food program which,

I believe, is \$5 million, and other international food aid. Is this the program that the minister announced at the beginning of the last session in respect of increased food assistance to nations which want it?

Mr. MORAN: Yes. This was Mr. Sharp's announcement about last September.

Mr. AIKEN: Yes, I am sorry, but it was Mr. Sharp.

Mr. MORAN: Yes.

Mr. AIKEN: How much of this special program that Mr. Sharp announced already has been used or allocated, if any?

Mr. MORAN: He announced the intention of setting up a special food aid program and indicated that the yearly appropriation for it would be related to the levels of economic development assistance. This year the amount proposed for this program is \$15 million. Of that amount, \$12½ million will be wheat and flour for the Colombo plan countries which have been traditional recipients of Canadian wheat and flour, mainly India, Pakistan and Ceylon. In the case of India, it is \$7 million; for Pakistan, it is \$3.65 million and for Ceylon, it is \$1 million of flour. The first two, incidentally are for wheat. That adds up to \$11.65 million. The remainder consists of shipments of flour to non-commonwealth countries within the Colombo plan. The sum of \$2 million will be the contribution in kind to the world food program and the other \$500,000 will be the Canadian contribution to the United Nations works and relief agency for refugees.

Mr. AIKEN: But, has anything been done under this new food aid program? Has anything been shipped or allotted?

Mr. MORAN: I have just described the allotments.

Mr. AIKEN: Yes, you told me what it is allotted for, but has anything been done? Have any shipments been made up to this date this year?

Mr. MORAN: I would not know in the case of UNRWA or the world food program because we do not become involved; they simply call it forward as as they need it. In the case of the \$12½ million for the Colombo plan countries, which is our responsibility, these amounts have been allocated in response to requests from those countries. The first shipment to go out will be for India, and their shipments are due to go forward either next month or September.

Mr. AIKEN: So, to date there has been nothing go out?

Mr. MORAN: We are waiting for you; we have no money with which to buy these commodities. It is dependant upon whether or not you will agree to this money being made available to make these purchases.

Mr. AIKEN: This is the first time this item has appeared in the estimates.

Mr. MORAN: Yes. The food aid for Colombo plan countries in the past has been paid out of the Colombo plan appropriation. Up until 1961-62, the Colombo plan appropriation was \$50 million. The sum of \$12.5 million took the form of wheat and flour, leaving about \$38 million for other purposes. Then in 1961-62, the Colombo plan was reduced by \$8.5 million and all of the cut took the form of wheat and flour. We then had a program of \$41.5 million, of which \$4 million was for wheat and flour. This year we are restoring the Colombo plan cut and the amount to make possible the normal grain shipments is included in this food aid item.

Mr. AIKEN: I appreciate your waiting for the estimate to pass because I think this is the only department of government which does. In most cases, when they get it into the estimates they figure they are in a position to spend it or the government will go down. But, if that is the case I think it is a very good practice.

Mr. PATTERSON: I have a supplementary question. When I was on this committee several years ago, Mr. Moran, we were advised that much of the wheat

that went to India was shipped into Russia, milled, and brought back in the form of flour. Is there any possibility of increasing the flour content of the shipments rather than sending the wheat?

Mr. MORAN: There would be if they asked for it in the form of flour as Ceylon does. Ceylon requests flour not wheat and, traditionally, it has been \$1 million annually which is still the case this year. I am greatly surprised at the suggestion which you say someone has made in this committee because from my experience of India they do not want wheat in the form of our flour. This is not within their diet. In most of the Asian countries the staple food is rice, not wheat. But, certain areas of India and west Pakistan use our wheat for such things as chupatties but they do not convert it into flour.

Mr. PUGH: I have a supplementary question. What other imports of wheat do Colombo plan countries import?

Mr. MORAN: In the form of commercial imports?

Mr. PUGH: Yes, on their own.

Mr. MORAN: Well, they do make small purchases from Australia. But, their wheat at the moment is of four sources. The first is their own production. The second is the Canadian aid program. The third is the United States P.L. 480 program and the fourth is the small commercial purchases.

Mr. PUGH: Do they make any commercial purchases from Canada?

Mr. MORAN: None from Canada. Canada has not been a traditional supplier of wheat to that part of the world.

Mr. PUGH: Does Australia have a similar food aid program?

Mr. MORAN: Australia does but I do not know its content. Some wheat is included in it but I do not know what amounts Australia includes in its food aid program.

Mr. PUGH: It just strikes me that as a fair sized supplier for a number of years back under the food aid program or the previous Colombo plan if there are any purchases being made by these countries they might well make their purchases within Canada.

Mr. DINSDALE: A supplementary, Mr. Chairman.

The CHAIRMAN: Yes, and could this please be the last supplementary. In view of the fact we have seven people on our list after Mr. Aiken I am wondering if the committee would agree—

Mr. AIKEN: I am ready to defer, Mr. Chairman.

The CHAIRMAN: I am wondering if it would be agreeable if each member would ask questions relative to one subject. There may have to be a series of questions to get the answer to the one. However, I would like one question with no supplementaries at all, and then if there are other questions we could go in rotation. I would be pleased to recognize anyone for another question to follow that.

Mr. AIKEN: Mr. Chairman, if the committee agrees, I suppose we can follow that procedure, but is this not sort of a shotgun method of dealing with it. If we are on a supplementary, it may clear the matter up.

The CHAIRMAN: If it is a supplementary, yes; but supplementaries can go off in the air.

Mr. DINSDALE: My supplementary will eliminate a part of the question when my turn comes. The other day we asked for a report containing a breakdown of the expenditures on this \$15 million. That was to be presented to the committee. I presume that will be forthcoming.

Mr. MORAN: I am not familiar with this request. To whom was it directed?

Mr. DINSDALE: I directed it to the minister. The minister was on the witness stand.

The CHAIRMAN: I wonder whether Dr. Moran would be kind enough to take cognizance of that point.

Mr. MORAN: Yes. Would Mr. Dinsdale say what he would like in addition to the breakdown which I have just given.

Mr. DINSDALE: I think you have almost given it.

Mr. MORAN: The breakdown is India \$7 million, Pakistan \$3.65 million, Ceylon \$1 million, and the non-commonwealth countries \$850,000. That gives us \$12.5 million. \$2 million will be a contribution to the world food program and \$500,000 will be a contribution to UNRA. That is the \$15 million.

Mr. DINSDALE: Is the total of \$2 million the only contribution to the world food bank?

Mr. MORAN: No. I think our contribution is \$5 million in cash and kind.

Mr. DINSDALE: Is there a cash contribution to the world food bank?

Mr. MORAN: There is one third in cash.

Mr. DINSDALE: I thought the contribution to the world food bank was entirely in food commodities.

Mr. MORAN: No. They have to make purchases of certain things. After endorsement by the F.A.O. council a pledging conference held in New York in April 1962, raised \$88.9 million U.S. in cash, commodities and services for the program. The Canadian contribution is \$5 million, one third in cash, proportioned over the three year term of the program with the first contribution of \$560,000 U.S. being made during the fiscal year 1962-63.

Mr. DINSDALE: How is the \$850,000 for other commonwealth countries allocated? This is the information which I understood was going to be forthcoming.

Mr. MORAN: I can give that to you. Burma, \$350,000; Indonesia, \$350,000; Vietnam, \$150,000.

Mr. DINSDALE: Are those not commonwealth countries?

Mr. MORAN: Those are non-commonwealth countries—Burma, Indonesia and Vietnam.

Mr. DINSDALE: Is the Indonesian contribution continuing?

Mr. MORAN: So far as I know.

Mrs. KONANTZ: Mr. Chairman, I am interested in many of the amounts which have been given to different projects. I wonder how the department works out priorities. I have three points on which I would like to obtain information. In respect of the Ghana trades training centre, is this amount of money given through I.L.O. for the big training centre in Ghana?

Mr. MORAN: No. No contributions are made in cash under the training program. We provide only Canadian goods and services. From Canada we supply supervisory services for the construction of the school and also materials from Canada such as sanitary fittings, electrical fixtures and similar things. Frequently the local country is able to provide the other requirements.

Mr. KONANTZ: Is this a trade training centre which more or less is one of the responsibilities of I.L.O.?

Mr. MORAN: No.

Mr. KONANTZ: Then, in respect of the Nigerian ariael survey, is that assistance again?

Mr. MORAN: Yes. Two Canadian companies are involved, Canadian Aero Services of Ottawa and Pathfinder of Vancouver.

Mr. GELBER: Is that a successful project?

Mr. MORAN: Very much so. I would qualify that comment to say it has been successful up to this point; the maps are only now being produced, but it has been successful in two ways; one is the quite unusually friendly relationships which have developed between the native people and the Canadian engineers. There has been a sincere appreciation of each other on both sides. The second is that we now have before us a request from Nigeria for an extension of the project which I think would cost something in the neighbourhood of \$1.2 million. Therefore, that is an indication that the Nigerians already have recognized the benefits to be derived from a survey of this kind and they now are asking us to extend the mapping to a larger area.

Mr. KONANTZ: In respect of our contribution to UNICEF, as you know the United Nations association in Canada has been urging for at least the last two or three years that the government consider whether they could make a better contribution, up to, say, \$1 million. I wonder whether consideration has been given to the fact that for every dollar given UNICEF \$2.50 is raised by the country receiving this assistance. For instance, if \$200,000 were given, there would be an additional \$500,000 given to their program through the different countries that are participating.

Mr. MORAN: I do not entirely follow you. Who makes the additional grant?

Mrs. KONANTZ: The receiving countries. For every dollar UNICEF gives these countries the countries themselves have to raise \$2.50.

Mr. GELBER: It varies. It has been as high as five to one.

Mrs. KONANTZ: This is the reason I am wondering whether the department has taken this into consideration.

Mr. MORAN: I do not know. We are not involved in any way with UNICEF except possibly when they approach us in respect of one of their projects. This is a straight contribution which is not a part of the programs we are discussing today; it is not within the bilateral aid funds.

Mr. PUGH: I am interested in the question of personnel and the statement that you are trying to make personnel available to take over the projects once we have completed them. Are there any Canadian personnel still on projects which have been completed, either government personnel or private individuals?

Mr. MORAN: I am not aware of any. For some time after Warsak was completed there were four Canadians who continued on in an advisory capacity but they all are back home now. There are none in Indian and none in Pakistan. I am reasonably sure the answer is no.

Mr. PUGH: Taking it from the voluntary point of view, do Canadians who are there stay over there in the country on a voluntary basis; do they become employees of that country?

Mr. MORAN: I am not aware of any.

Mr. GELBER: Mr. Moran made one statement which fascinated me, and I think it is important. I thought I understood him to say that bilateral programs now are being placed on a non-lapsing basis.

Mr. MORAN: That is the proposal this year.

Mr. GELBER: Would you explain that? That is a radical change.

Mr. MORAN: It is not really a radical change. The Colombo plan always has been on a non-lapsing basis. It started originally in 1951-52 as a lapsing fund and they encountered quickly all the problems which are inevitable if you are trying to operate an aid program with lapsing funds. It was placed on a non-lapsing basis somewhere around 1953-54 and has been on that basis

ever since; but that has not been true of SCAAP, the French African program or the Caribbean program.

Some of the problems which are encountered are, first of all, that it is almost impossible to estimate precisely the expenditures that will be made on a particular project in any twelve month period. There are conditions beyond your control which intervene to alter an estimate of expenditure. Therefore, at the end of the fiscal year you lose the unexpended portion of the amount which was allocated to the project and then you are faced with the alternative of taking from next year's appropriation the funds necessary to complete the project or seeking a revote of the moneys which lapsed. Another type of problem is that on major projects the expenditure pattern rises up to a peak and then falls off. In order to prepare for that peak expenditure year you must provide a reserve as you go along. This is not possible with lapsing funds.

What we are proposing this year is that SCAAP, the French African program and the Caribbean program be placed on precisely the same basis as the Colombo plan has been for the past decade.

Mr. GELBER: I must have misunderstood you. Do I understand now the non-lapsing is a matter of our own internal commitment; it is not a commitment to the recipient country?

Mr. MORAN: No.

Mr. GELBER: But at one time we advocated it?

Mr. MORAN: I do not think we have in respect of the recipient countries. There have been two long term Canadian government commitments. The first was in the West Indies program when in 1958 the government announced a \$10 million program to be spread over five years, and the appropriations ran on the average about \$2 million a year. The second was the special commonwealth African program in 1960, when the government announced a \$10½ million program over a three year period for which the annual appropriations amounted to \$3½ million a year.

Mr. GELBER: Each year we consider our program in each country where we have a bilateral scheme, and in no sense is it felt that we are committed to the same program each year.

Mr. MORAN: Not each year; no. In fact, it is not our intention to make firm allocations of moneys to individual receiving countries this year, except where we are members of a consortium, and it becomes essential to do so.

The world bank consortium for India and the one for Pakistan is made up of 9 nations plus the world bank and the International Development Association. Each year the members meet to study the segment of India's national development plan which the country proposes to finance that year. On Thursday and Friday of last week I was in Washington for the consortium meeting on Pakistan for this very purpose. After studying the development plan, the consortium members agreed on the total sum of money Pakistan needs to carry forward its development in the next 12 month period. The individual countries then made their pledges. The total of the pledges made last Friday for this next year was \$430 million. Of that amount Canada pledged \$11 million in grants, \$7 million in soft loans, and \$7½ million in the long term credits which are export motivated loans administered by the department of trade and commerce through ECIC. In the case of grants and soft loans, the Canadian pledge was made subject to parliamentary approval of the estimates now before you.

Mr. HERRIDGE: What is a soft loan? It is a new term to me.

Mr. DINSDALE: No interest and long term.

Mr. MORAN: A soft loan relates to its terms—maturity, grace period and interest rate. The special development loan program which Canada is proposing this year to the extent of \$50 million, will have a maturity of up to 50 years,

a ten year grace period, no interest, and a service charge of perhaps three quarters of one per cent. A soft loan could include some modifications of those terms.

The terms I have just described for the Canadian loans are similar to those extended by the International Development Association and are regarded as the softest form in which loan money can be made available to the developing countries. At the other end of the spectrum you have the hard loans at commercial rates, with interest usually at 6 per cent, and much shorter maturity periods.

Mrs. JONES: Mr. Chairman, I would like to ask Dr. Moran how closely Canada works with the development assistance committee. Before approval is given by Canada to a recipient country for a project, say, under SCAAP, does Canada consult DAC in respect of the kind of programs which are being worked out by other donor countries with that recipient country?

Mr. MORAN: Not through the development assistance committee as part of its main work; but DAC does set up consultative groups for certain countries—in which some or all of the DAC members may participate. It is in that consultative group that the donors confer one with the other and exchange views.

In the case of the world bank consortia for India and Pakistan, which I have just mentioned, the donors come together, exchange views, report their respective experiences in extending aid to India and Pakistan during the past 12 months, indicate the amount they are prepared to pledge to projects within the Asian country's national development plan. In other words, a donor will not use any of its pledged funds to finance a project which has not been accepted by the consortium as a suitable project within the national development plan.

Mrs. JONES: How can you work with other countries which give aid to SCAAP when there is no consultation beforehand?

Mr. MORAN: There is consultation mainly on a bilateral basis. Because SCAAP is composed only of commonwealth countries, co-operation between the donors is relatively easy.

On my way back from the DAC annual review of the Canadian aid program in June, I stopped in London for two days of consultations with the British concerning their plans and intentions for the islands in the Caribbean, in respect of both the amount of their aid and the types of projects they would be financing, and also to obtain their views on some of the projects we were considering in our program for those islands this year. On another occasion similar discussions would be held about Africa.

Mrs. JONES: So, there is close co-operation?

Mr. MORAN: Fairly close co-operation.

Mrs. JONES: It is my understanding that formerly SCAAP had concentrated pretty well on aid in the educational field. Has there been any increase in requests with regard to the setting up of hospitals, treatment centres and so on?

Mr. MORAN: So far there has not been any increase in the requests directed to Canada, because we have not had the funds available for costly projects like hospitals. We have had \$3.5 million each year for Ghana, Nigeria, Sierra Leone, Tanganyika, Uganda and Kenya. This spreads rather thin. We have not been in a position to undertake many major projects. Also, as a policy decision which is based in large measure on Canadian experience in Asia in the early years of our aid activities, it was decided that our effort in Africa at least in the first couple of years would be concentrated on training in the technical and educational fields. This is in an effort to produce people who would be capable of maintaining and operating the plants when they receive them. Mr. Pugh probably had this point in mind when he asked whether

any Canadians are still on projects abroad. There is a good likelihood that if we had provided a number of industrial plants for the African countries during these last two years my answer to him would probably have been different.

This year with additional funds available and with a reasonable number of Africans having been trained, not only under the Canadian aid program but under the U.N. program and the programs of other advanced countries, Africa is capable of absorbing a number of major capital projects. Undoubtedly some will be included in our program this year.

Mrs. JONES: In the case of, say, the construction of a hospital the counterpart fund would have to be satisfactory.

Mr. MORAN: Hospitals present Canada with quite a problem. There is virtually no hospital equipment manufactured in this country. If a hospital were to be constructed, much of the equipment would have to be purchased in the United States or in Great Britain and therefore it makes more sense for a hospital project to be part of the British or United States program and for Canada to provide other things which are within our capabilities.

Mrs. JONES: Would you go over the counterpart fund process in a little more detail?

Mr. MORAN: The counterpart fund is different from the column of receipts and expenditures set out on page 26. A counterpart fund arises from the sale of commodities, such as wheat, aluminum, copper, fertilizers, and things of that nature by the receiving country.

Mrs. JONES: Sale to other countries or sales within the country?

Mr. MORAN: Canada will make a gift of aluminum to India and the government then sells this aluminum to the end user for local currency. That local currency is put into what is termed a counterpart fund and the moneys are used for development purposes on projects agreed to between the two governments. India might embark on a road program where nearly all of the costs are local, and it might ask Canada if we would agree to \$1 million of the counterpart fund rupees being used for that program. If Canada agrees, India then would proceed with its road building program, financing it from the counterpart fund.

Mrs. JONES: What if the country has some difficulty in selling these commodities?

Mr. MORAN: It would not. In the first place it would not ask for them if there was not an urgent need for them. The counterpart fund system has an advantage to the receiving country. In a country like Pakistan it just is not possible to raise additional revenue through taxation. Taxation is at about the ceiling. However, the sale of urgently needed commodities generates rupees to meet the local costs of development projects.

Mr. PUGH: You used the term "end user". Would that be an end user within that country?

Mr. MORAN: Yes.

Mrs. JONES: Would you explain something about the debt balance which is building up?

Mr. MORAN: This is a very worrying thing. Perhaps one of the most important contributions that DAC has made in these past couple of years has been to concentrate the attention of countries on the mounting debt burden and the heavy level of repayment obligations that the countries are incurring as a result of borrowing large sums at commercial rates. I saw one graph that was produced on the Indian situation. On the assumption that aid would continue at about the same level and on the same terms, a point was reached where as much money would be going out of India in repayment of capital

and interest on their loans as would be coming in through external assistance. This is the role that DAC has been playing and the world bank has also been very effective in pressing for improvement in the terms of aid. They have been successful. This year, for example, you find Canada proposing the softest type of loan that can be made available. The Germans softened their assistance a couple of years ago by offering loans with two thirds at $5\frac{1}{2}$ per cent and one third at 3 per cent. Then at the consortium meeting last week on Pakistan they announced that this year two thirds will be at 3 per cent and one third at $5\frac{1}{2}$ per cent. The British have a different formula. Incidentally, the British also give considerable grant moneys but in the case of their loan program they offer the money at the current bank interest rate, plus perhaps one half of one per cent. But, they give a seven year waiver of interest period, which means no interest runs during the first seven years. This has the effect of reducing the over-all interest rate to about three per cent. So, different countries have different formula but all of them are directing their attention to improving the terms and conditions in order to ease this heavy burden which is a serious and disturbing problem.

Mrs. JONES: I have a question here in respect of page 25. I notice under the heading, "Colombo plan, pattern of Canadian allocations for 1963-64," Canada allocated \$1 million more to the Indus basin development fund than was the case in the previous year and half a million dollars less to Malaysia and to Ceylon. Does that represent any difference in policy or is this just a shift in distribution?

Mr. MORAN: No. In the case of the Indus basin development fund it has no significance because Canada pledged a total of \$22 $\frac{1}{2}$ million to that project. There were five or six participating countries which together pledged the amount required to reach the original estimated cost of nearly \$1 billion. As I say, the Canadian pledge was \$22 $\frac{1}{2}$ million. Those funds are paid out as the project progresses and the money is called forward. The project is being supervised by the world bank and as funds are needed for expenditure the contributing countries are called on to make their contributions. For example, this year we will be contributing \$7 million, but this does not alter our total pledge to the Indus basin fund. Incidentally, the cost of the Indus basin fund has increased and all the contributing countries have been asked to correspondingly increase their pledge, which Canada will be doing.

The CHAIRMAN: Have you a question, Mr. Klein.

Mr. KLEIN: Yes. I thought you said that each project is examined, and I think you used the words, to determine whether it was a competitive project.

Mr. MORAN: No. I used the words, whether the product would be competitive. In other words, there would not be much purpose in using our aid funds to create in the country a plant to manufacture an item where the country would never be able to sell or export the product for reasons of price or where over a period of time it would be more economical for them to import the product.

Mr. KLEIN: There would never be aid for private industry in that country, would there? When you say "competitive" you are not speaking about aid to a private institution other than the country itself, are you?

Mr. MORAN: All of our assistance is on an inter-governmental level.

Mr. KLEIN: But you would not give aid to a hosiery plant, for example? If some private industry wanted to build a hosiery plant would you give aid to them?

Mr. MORAN: Not directly.

Mr. KLEIN: Where would the competitive product come in?

Mr. MORAN: A hardboard plant, a newsprint mill, a cement factory, and so on.

Mr. KLEIN: Would this be a nationalized project of a country, or a private industry?

Mr. MORAN: It could be a private industry, but our dealings are with the government. There is a practice followed by some countries, notably the United States, which is termed the two step process, for a project which may be in the private sector. The donor government will enter into a financing arrangement with the receiving government on certain terms, and the receiving government can then enter into a separate arrangement with the prospective management of the plant. This is known as the two step procedure. In other words, the terms of the donor's loan to the receiving government might not necessarily be passed on in exactly the same terms to the builder of the plant.

Mr. KLEIN: Is the builder of the plant called upon to repay that amount?

Mr. MORAN: Yes, to his own government, and this would usually be a repayment in local currency.

Mr. KLEIN: They would keep the fund, the receiving country would retain it, would it?

Mr. MORAN: Or put it into a counterpart fund which I have just described.

Mr. KLEIN: In determining the amount of Canada's contribution, does the balance of trade between Canada and the recipient country play a part?

Mr. MORAN: By that you mean that a country with which we have a favourable balance of trade would receive a larger trade allocation?

Mr. KLEIN: Would we give more to a country with whom we have a favourable balance of trade than to a country with whom we have a smaller balance of trade?

Mr. MORAN: Not necessarily. The allocations are related more directly to need and to the absorptive capacity.

Mr. KLEIN: So that the balance of trade plays no part at all?

Mr. MORAN: The balance of trade has not been directly a factor in determining how much aid we would give to any particular country.

Mr. KLEIN: The only other question I have is this: I was interested in the statement that you made about television. You mentioned "Jack Paar" and "Bonanza".

Mr. MORAN: Could I quickly add that I only see them in the TV listings; I have not watched either of these programs.

Mr. KLEIN: I am not being facetious about it. I am interested in knowing the following: In the countries where television is established, what language product on television do they want shown as a second language product? I would imagine that where television is established they want something produced in their own language.

Mr. MORAN: This is true in their educational programs, but not produced solely in their own language because all of these countries are particularly anxious to have their people develop a second language that will help them in commerce and in other types of international intercourse. For example, we get tremendous requests for teachers of English as a second language and teachers of French as a second language. Nearly all of the commonwealth countries are endeavouring to promote the use of English as the second language. In the French states of Africa I think the same thing applies in respect of French. So that some of these television programs which are educational in nature are designed to help in language instruction, and this is one means of teaching a second language.

Mr. KLEIN: I would imagine then that there are two branches in television, the educational and the entertainment.

Mr. MORAN: The third is information.

Mr. KLEIN: Speaking on entertainment now, what films are requested in the main by these countries, would they be British films, United States films; would they be Italian, Swedish or Russian films? What films would you say would be most often requested in the entertainment field in the new countries that have television?

Mr. MORAN: If you are speaking of the Hollywood type of movie, I would not have the slightest idea, but for television purposes about which I am speaking, some British films and a number of the national film board documentaries are in demand. Several of the developing countries have purchased the N.F.B. documentaries. I know that both Trinidad and Jamaica have a list of N.F.B. films that they are anxious to procure for educational purposes. However, for straight entertainment I have no idea whether they prefer a Brigitte Bardot movie or something else.

Mr. KLEIN: You mentioned "Jack Paar" and "Bonanza". I am not trying to pin you down but I am interested in knowing what countries are looking for these films in the field of entertainment.

Mr. MORAN: I think you will have to be more specific than that. What countries would you like the answer for?

Mr. KLEIN: Generally speaking.

Mr. MORAN: I do not think the answer can be general. For example, I know of one country with a television system that operates three hours a day and there are no entertainment films on it. There is another country where television is on view for perhaps six hours a day, and there they do try to introduce some entertainment. It is necessary to know what country you have in mind when you speak of the form of their television programs.

Mr. KLEIN: I do not have anything in mind but I was struck by the fact that you mentioned "Jack Paar" and "Bonanza."

Mr. MORAN: I should not have done that. I was being facetious, and I did not expect a responsible member of the committee to take it seriously.

Mr. HERRIDGE: None of us did.

Mr. MORAN: Let me withdraw it and say they are not getting TV to watch "Viewpoint".

Mr. KLEIN: I do not know about "Bonanza" but I will accept it for "Jack Paar".

Mr. DINSDALE: Mr. Chairman, since the establishment of the external aid office in 1960 the emphasis has been more and more on commonwealth assistance. Is that a fair conclusion to make from the presentation in the brief here?

Mr. MORAN: Well, let me trace the history of Canadian aid and you can then draw your own conclusions. The first bilateral aid program in which Canada engaged was the Colombo plan. It was set up as a result of a commonwealth initiative, and originally was solely for commonwealth countries in southeast Asia. Later it was expanded to include certain non-commonwealth countries in the area. In 1958 Canada established a program for the members of the federation of the British West Indies, a purely commonwealth program. At about the same time a small commonwealth technical assistance program for British Honduras and British Guiana was introduced. In 1960, just at the time that the external aid office was being established, the government decided to introduce a program for the commonwealth countries of Africa. So, to that date Canadian assistance, except for its contributions to United Nations organizations where assistance could flow to any area of the world, was almost exclusively

for the commonwealth. Later, in 1960, to become effective in 1961, a modest program was authorized for the French states of Africa. The appropriation of \$300,000, was purely for education, and the vote was so worded. This year for the first time since 1961, there is to be a further geographical expansion of our assistance and bilateral aid will be available to Latin America. Where the balance lies in that summary I do not know.

Mr. DINSDALE: I am just wondering whether there is a feeling that it is more effective in external aid to concentrate in a specific field and perhaps even in a specific type of aid.

Mr. MORAN: Perhaps I should put it this way. While some people argue that the Canadian program should be more widely dispersed, others claim it should be more heavily concentrated. At the present time there are some 40 countries eligible for Canadian assistance. I think it can be properly argued that there is a long list of other countries urgently in need of the kind of aid that Canada can provide. There are additional countries which receive, indirectly, Canadian assistance through our contributions to the United Nations. Thus, there is a fairly long list of countries that are either eligible or do receive Canadian assistance. However the bulk of our aid goes to certain selected areas. I think such a policy is sensible for a country of Canada's resources. If we were to undertake a global program we would considerably reduce its effectiveness and the administrative costs would be out of all proportion to the value of the aid we were giving. So it is a selective program.

In determining the areas to which our aid is directed historical relationships are taken into account. That is the reason the major portion of Canadian aid goes into commonwealth countries and into French language countries in Africa and southeast Asia. Canada is in a special position because of its bilingual and bicultural nature to offer the kind of assistance that these French language countries need.

Mr. DINSDALE: Is there an attempt during meetings between international groups to allocate programs on the basis of areas for which each country is most qualified and most competent?

Mr. MORAN: There has not been such an attempt, Mr. Dinsdale, because it is perhaps unnecessary. Most donors direct their aid to areas of special interest. You will find in the case of France that almost all of its aid goes into former dependant territories in Africa. Only within the last year or two has France extended assistance outside of the French states of Africa. France is now a member of the Indian and Pakistani consortia and is thinking in terms of Latin America. But most of its effort is still concentrated in French Africa.

Britain's major efforts are directed toward commonwealth countries. For example, 50 per cent of its grant funds, goes to dependent territories. This is one of the reasons that in our Caribbean program it is the Canadian intention to concentrate on the two independent islands of Trinidad and Jamaica and Tobago. Britain has the primary responsibility for the Windward and Leeward islands not because they are within the Commonwealth but because they are still dependent territories. Trinidad and Jamaica as independent countries, are now without the benefits of commonwealth development grants which Britain makes available to the little eight.

I think aid distribution falls into place, without necessarily negotiating the areas of special interest or the direction which national efforts will take.

Mr. GELBER: I think Mr. Dinsdale should call it six o'clock.

Mr. DINSDALE: I will be finished in one moment.

Within the government itself there are several departments engaged in foreign aid and I am thinking of the Department of Trade and Commerce, the

Department of National Defence and others. Are all the efforts of those various departments co-ordinated through your office?

Mr. MORAN: I can quickly say that the efforts of the Department of Defence are not, because Canada has, with great sensitivity, made a special point of keeping all military aspects out of our economic development programs. We will not provide under our aid program anything that would conceivably have a military use. We do not provide and will not provide under our technical assistance programs advisers in the military field. I can quickly except national defence from your proposition.

Mr. DINSDALE: Any programs carried out by the Department of National Defence are quite exclusive to your programs; is that right?

Mr. MORAN: I am not aware of the Department of National Defence having an aid program as such. That department has on occasions made equipment available, for example under our NATO mutual aid program, but that is not a Department of National Defence program. That department has simply been a source of the equipment, although it has also made certain military advisers available to Nigeria, for example. But the department does not operate a formal program of assistance.

A request will come to the Canadian government, usually through the Department of External Affairs, for assistance of a military nature, and then it is a matter for the government to decide whether it wishes to extend such help. If the government decides to do so, it turns to the Department of National Defence to provide the equipment or personnel.

Mr. DINSDALE: Are the activities of the Department of Trade and Commerce in this area co-ordinated through your office?

Mr. MORAN: I assume you are thinking of long term credit financing.

Mr. DINSDALE: Yes.

Mr. MORAN: You will remember that when the then minister of trade and commerce introduced this program in the House of Commons he described it as a program designed to enable Canadian producers of capital equipment to be competitive with producers of similar equipment in other industrialized nations, and no mention was made of assistance to developing countries. We found that every advanced nation which had a similar export promotion program was registering these loans in international forums like DAC as part of its aid activities. For purposes of comparability we then began to register the moneys advanced under our long term credits as part of our aid effort.

There is a distinction between the two programs which is the reason the long term credits are not dealt with in our office. Long term credit financing is not regarded strictly as an aid activity although it contains an aid element in the form of long maturity periods. However, when consideration is being given to an application for one of these loans from a country in which a bilateral aid program operates, we are consulted by E.C.I.C. because we may have some knowledge of the project. It may at some time have been presented to us as a possible aid project. In this way there is consultation on applications from those countries where Canadian bilateral aid programs operate.

The reason the point has not been of great significance until now, is that about 80 per cent of Canadian long term credit financing has gone into Latin America, and there has been no Canadian bilateral aid program in that area. Under our plan to offer soft loans to Latin America this year the situation will be changed to that extent.

Mr. DINSDALE: I will call it six o'clock.

The CHAIRMAN: Have you any further questions to ask?

Mr. DINSDALE: I could pursue this interesting line of questioning for some time, Mr. Chairman, but I am quite happy to cease at this time.

The CHAIRMAN: When you say you are calling it six o'clock I take it you have concluded your questions and if the committee is now ready, in view of the fact there are no other questioners on my list, I should like to call the items.

Mr. HERRIDGE: I have one concluding and appropriate question at this time.

When the minister spoke to us, Mr. Moran, he informed us that regardless of the aid given to these countries, owing to an increase in population the gap of the standard of living of these countries as compared to the standard of living of the western country was ever widening. Has your external aid branch given this situation any consideration and can you make any suggestions regarding a solution?

Mr. MORAN: I think this is the most serious problem facing each of the developing countries today. They set a growth target for themselves and over a period of five years they look for a ten per cent increase in per capita income which is offset in large measure by the annual increase in population.

Mr. HERRIDGE: I think that is a very serious question.

Items 30, 35, 30(a) and L-14(a) agreed to.

The CHAIRMAN: I should like to thank the members of the committee and the witnesses and suggest that we will meet tomorrow afternoon in this room at which time Mr. M. A. Heeney, of the international joint commission, will appear as our witness. We have left over item 1. It may be that if we organize our questions we will be able to complete both considerations.

I believe Mr. Aiken is particularly interested in what Mr. Heeney will have to say.

Mr. DINSDALE: I have a particular interest in this subject as well, Mr. Chairman.

Mr. HERRIDGE: I have a particular interest as well.

The CHAIRMAN: I am not trying to cut members short in this regard because it may not be possible to complete our considerations tomorrow, but if some consideration is given to the questions to be asked perhaps we can proceed in a little more orderly manner.

Mrs. KONANTZ: Are we meeting at 3.30 tomorrow?

Mr. DINSDALE: We were not disorderly today, Mr. Chairman.

The CHAIRMAN: We will now adjourn until 3.30 tomorrow afternoon.

HOUSE OF COMMONS
Second Session—Twenty-Sixth Parliament
1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 33

WEDNESDAY, JULY 22, 1964

Main Estimates and Supplementary Estimates (A) (1964-1965)
of the Department of External Affairs

Including The Third Report to the House

WITNESSES:

Mr. A. D. P. Heeney, Chairman, Canadian Section, International Joint Commission; Mr. H. O. Moran, Director General of the External Aid Office.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Brewin,	Fleming (<i>Okanagan-Revelstoke</i>),	Langlois,
Brown,	Forest,	Laprise,
Cadieux (<i>Terrebonne</i>),	Gelber,	Leboe,
Cameron (<i>High Park</i>),	Gray,	Loney,
Casselman (Mrs.),	Herridge,	MacEwan,
Chatterton,	Kindt,	Martineau,
Choquette,	Klein,	Nixon,
Deachman,	Knowles,	Noble,
Dinsdale,	Konantz (Mrs.),	Patterson,
Dubé,	Lachance,	Pugh,
Fairweather,		Regan,
		Richard—35.

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

REPORT TO THE HOUSE

July 23, 1964.

The Standing Committee on External Affairs has the honour to present its

THIRD REPORT

In accordance with its Order of Reference of July 3, 1964, your Committee has considered and approved the following items in the Main Estimates and the Supplementary Estimates (A) for 1964-65 relating to the Department of External Affairs: Items numbered 1 to 40 inclusive in the Main Estimates; Items numbered 1a, 10a, 15a, 20a, 30a, and Items L12a to L14a inclusive in the Supplementary Estimates.

A copy of the Minutes of Proceedings and Evidence (Issues No. 30 to 33) is appended.

Respectfully submitted,

JOHN R. MATHESON,
Chairman.

MINUTES OF PROCEEDINGS

WEDNESDAY, July 22, 1964.
(59)

The Standing Committee on External Affairs met at 3.55 p.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Jones, Mrs. Konantz, and Messrs. Brown, Chatterton, Dinsdale, Fairweather, Forest, Gelber, Herridge, Loney, MacEwan, Matheson, Noble, Patterson (14).

In attendance: From the International Joint Commission: Mr. A. D. P. Heeney, Chairman, Canadian Section; Dr. René Depuis, Commissioner; Mr. D. G. Chance, Secretary; Mr. J. L. MacCallum, Legal Adviser. *From the External Aid Office:* Mr. H. O. Moran, Director General.

The Chairman called Item 40:

40—Salaries and Expenses of the Commission and Canada's share of the expenses of studies, surveys and investigations of the Commission; \$151,500.

and introduced the witnesses.

Mr. Heeney read a prepared statement and was questioned.

Mr. Chatterton referred to difficulties which have arisen because of different regulations respecting the movement of ships and tourist pleasure craft in border waters between the United States and Canada, United States tourists in Canadian waters being subject to the Criminal Code, while Canadian tourists in United States waters are subject to American state or federal laws. He referred to the judgment in the case of the United States of America against Gananoque Boat Line Company Limited.

Mr. Heeney stated that this problem does not come under the jurisdiction of the I.J.C. Whereupon, on motion of Mr. Chatterton, seconded by Mr. Fairweather, it was

Resolved: That this Committee refer to the Department of External Affairs the problem of duplicate regulations governing the movement of watercraft in border waters between the United States and Canada.

The questioning being concluded, Item 40 was carried.

The Chairman thanked Mr. Heeney for the answers he had provided to questions from the Committee, Mr. Heeney and the officials of I.J.C. withdrew.

The Committee resumed consideration of Item 1.

Mr. Moran was called, questioned regarding the *international food aid programme*, and retired.

Item 1 was carried.

The Chairman read a "Draft Report to the House" and, after discussion, the report was approved on motion of Mr. Brown, seconded by Mr. Noble.

The Chairman was instructed to present the Report to the House. (*See Report to the House, Page 1641*)

At 6.00 p.m. the Committee adjourned to the call of the Chair.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, July 22, 1964.

The CHAIRMAN: Gentlemen, I see a quorum. It is my pleasure to introduce Mr. Heeney, chairman of the Canadian section of the International Joint Commission, and Mr. David Chance, secretary of the said commission.

Mr. A. D. P. HEENEY (*Chairman of the Canadian Section of the International Joint Commission*): Mr. Chairman, my colleague, Dr. Dupuis is in attendance.

The CHAIRMAN: I am sorry. We also have with us Dr. Rene Dupuis, commissioner of the Canadian section of the International Joint Commission.

We have under consideration this afternoon item 40 and, of course, we will leave open item 1.

Item 40 provides for salaries and expenses of the commission and Canada's share of the expenses of studies, surveys and investigations of the commission. The amount is \$151,500.

Department of External Affairs International
Joint Commission

40 Salaries and expenses of the commission and Canada's share
of the expenses of studies, surveys and investigations of the
commission, \$151,500.

The CHAIRMAN: In view of the interest demonstrated by certain members of the committee in respect of the matter of levels of the great lakes Mr. Heeney will give a short introductory statement on this subject and then he will be available for questioning by members of the committee.

Also, I believe Mr. Chatterton has a matter that he is prepared to raise. Perhaps we could accommodate him if he has to leave.

Mr. DINSDALE: Mr. Chairman, I have one matter which is a holdover from yesterday. Is it the intention to have the detailed report in respect of vote 35 brought before the committee? I made a request for this information at a meeting several days ago. I repeated my request yesterday. It concerned a breakdown of the \$15 million in respect of the international food aid program.

The CHAIRMAN: As I recall it, Mr. Dinsdale, we passed that item. I wonder if we could endeavour to obtain the information requested under item 1?

Mr. DINSDALE: You, as Chairman, indicated that this information would be forthcoming.

The CHAIRMAN: I understand that the information is not available at the present time. I will look into that matter and see that it is made available shortly.

If we were able to complete item 40 and item 1 today, of course, we would be in a position to report to the house.

We will look after your request at once, Mr. Dinsdale.

I now give you Mr. Heeney.

Mr. HEENEY: Mr. Chairman, first of all, I would like to express my pleasure at being back before the external affairs committee. It is some years since I have had this opportunity and pleasure. It used to be my regular annual practice when I was under secretary, but there has been a lapse since I have been away a good deal of the time.

I am particularly happy to appear in respect of the International Joint Commission item because I gather from my reading of *Hansard* and other evidence which comes to my attention that members naturally are very interested and concerned about the situation with which we are confronted in the great lakes and the St. Lawrence seaway.

Having this in mind, and as the Chairman indicated, we have prepared an up to date statement on the present situation as it is affected by and affects the International Joint Commission.

I think it should say by way of introduction that there is a great deal of popular misunderstanding of the relationship of the commission to these questions of the regulation of the levels in the great lakes and the St. Lawrence seaway, both in its international and national areas. I think some people are under the impression that the International Joint Commission has some original jurisdiction to deal with this situation so far as it can be dealt with by human jurisdiction and responsibility of the International Joint Commission are limited, but they are capable of being extended upon reference by the two governments.

With that introduction, Mr. Chairman, I would like to put on the record the statement to which you had reference.

The great lakes basin constitutes the major part of the St. Lawrence river system and has a drainage area, above the outlet of lake Ontario, of about 295,000 square miles. About one third of this area is actual water surface. With their vast storage capacity, the great lakes provide one of the finest natural regulatory systems in the world and produce an unusually uniform flow in the St. Lawrence river, where the minimum recorded flow is approximately one half the maximum flow. That is an extraordinary narrow range of stage for a great river. By way of contrast, the minimum recorded flow of the Columbia river—of which you have heard something over recent months—at Trail, near the international boundary is one fortieth of the maximum flow, a very sharp contrast indeed.

Lake Superior, the uppermost and largest of the great lakes, discharges through the St. Mary's river into lake Huron. Since 1921, this discharge has been controlled under the supervision of the International Joint Commission pursuant to orders of approval issued in May, 1914. I will return to this question of discharge later on in my statement. The natural supply to lake Superior has been increased by diversions from the Albany river basin, through Ontario hydro's Long lake and Ogoki projects, commencing in 1939 and 1943 respectively. Over the years, the sum of these two diversions together has averaged about 5000 c.f.s.

Lakes Michigan and Huron are connected by the straits of Mackinac, which are both wide and deep, and these two lakes are usually treated as one lake for hydrologic considerations. The natural supply to these lakes has been decreased somewhat by diversions from lake Michigan, at Chicago, into the Mississippi river basin. These diversions commenced in 1848 and until 1900 averaged about 500 c.f.s. Then they were increased progressively until in 1928 they averaged about 10,000 c.f.s. That was the maximum that the diversion reached at that point. Under a decree of the United States Supreme Court dated 21 April 1930, the diversion was decreased progressively from 1929 to 1938. Since that date, and in accordance with the court's decree, the diversion at Chicago has been maintained at an annual average of 1,500 c.f.s., in addition to domestic pumpage averaging 1,700 c.f.s.; or a total diversion out of the system of 3,200 c.f.s.

By way of illustrating the importance of this diversion and its relationship to the total inflow from lake Superior, that diversion at Chicago would represent about 4 per cent of the average inflow from lake Superior, which is 75,000 c.f.s. approximately. I emphasize that because there has been an impression, I

think, in certain minds, that that diversion at Chicago is causing most of our trouble, and the leakage there is really not all that great. The trouble lies elsewhere.

The natural outlet for the discharge from lake Michigan-Huron is through the St. Clair river, lake St. Clair and the Detroit river into lake Erie. Improvements to increase depths in the navigation channels of these rivers have increased their discharge capacity. In later years, certain measures were taken for the purpose of compensating for such increases.

The natural outlet for the discharge from lake Erie is through the Niagara river into lake Ontario. Some water also reaches lake Ontario by way of the Welland canal, and the De Cew falls power plant tail race and the N.Y. state barge canal.

Lake Ontario is the lowest in the great lakes chain and, except for lake St. Clair, is also the smallest. About 85 per cent of the inflow to lake Ontario comes from the upper lakes. The discharge from lake Ontario, and hence its levels, are regulated by dams in the St. Lawrence river at Iroquois and Barnhart island which we refer to as the St. Lawrence power project, built by the Hydro-Electric Power Commission of Ontario and the Power Authority of the State of New York, with the approval of the International Joint Commission. I shall have more to say about the regulation of lake Ontario levels at a later stage.

Downstream from this project, the St. Lawrence enters lake St. Francis, whose levels are controlled by the great Beauharnois power plant of Hydro-Quebec and a series of dams at its natural outlet near Coteau landing. Below that plant lies lake St. Louis, Montreal harbour and the lower St. Lawrence. The waters of lake St. Louis and below are wholly situated in Canada, the river and the international boundary having parted company in lake St. Francis at the 45th parallel. I think that is an important point to remember as we consider what can be done about the regulations of the lake, where the international section of the St. Lawrence becomes our Canadian national section.

The international boundary meets the St. Lawrence river first in lake St. Francis and from there follows the St. Lawrence upstream, through lake Ontario, the Niagara river, lake Erie, the Detroit river, lake St. Clair, St. Clair river, lake Huron, St. Mary's river, and lake Superior to the Pigeon river. With the exception of lake Michigan, the great lakes and their connecting channels are "boundary waters" as defined in the boundary waters treaty of 1909.

Then follows a quotation from the boundary waters treaty which is, as it were, the basic charter of the commission, of which I am the chairman of the Canadian section.

the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the dominion of Canada passes, including all bays, arms and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

The boundary waters treaty of 1909 provided for the creation of the International Joint Commission, gave jurisdiction and responsibilities to the commission in certain cases and laid down general rules or principles to govern it in the exercise of its functions. I should like to refer briefly to the provisions of the treaty that are relevant to the regulation of lake levels. Article III of the treaty reads as follows:

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement

between the parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the government of the United States on the one side and the government of the dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially effect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

You will note that, except for uses, obstructions, and diversions provided for by special agreement between the governments, any further uses, and so on, of boundary waters, affecting the natural level or flow of boundary waters on the other side of the boundary shall require not only the authority of the government within whose jurisdiction the use, and so on, is made, but also the approval of the International Joint Commission. Article VIII of the treaty confers jurisdiction on the I.J.C. to pass upon cases requiring its approval and lays down agreed rules or principles to govern it: each country to have equal and similar rights in the use of boundary waters; an order of precedence for the use of such waters—(1) domestic and sanitary purposes, (2) navigation and (3) power and irrigation purposes—"and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence"; approval may be made conditional upon construction of remedial or protective works; the commission "may" and in certain cases "shall" require as a condition of its approval, that "suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the boundary which may be injured by a proposed dam or other obstruction."

I draw your attention to the fact that, in regard to applications for the approval of works in boundary waters which affect the natural level or flow of such waters in the other country, the commission has jurisdiction—and this is what is often referred to as its quasi-judicial authority—to approve the application, and in doing so may—indeed in certain circumstances it shall—impose conditions aimed at the protection and indemnity of interest in the other country.

Article IX of the treaty of 1909 provides an entirely different type of function for the commission. It is this function to which I will give most emphasis this afternoon because it is the one that relates most to this problem which interests the committee, namely the levels and the regulation of the levels in the great lakes basin.

Under this article, the two governments have agreed to refer to the commission from time to time questions or matters of difference arising between them along the common frontier. Such questions or matters are referred whenever either of the governments so requests, for examination and report on the facts and surrounding circumstances, and with such conclusions and recommendations as may be appropriate. Here the commission makes no decisions or awards. It merely makes recommendations to the governments. Provision is

made for joint reports, minority reports and even separate reports to each government if the situation requires it.

It is under Article IX of the treaty that the International Joint Commission has carried out investigations such as those related to the Columbia river development, the levels of Lake of the Woods, the Passamaquoddy tidal power project, the Niagara remedial works, the levels of lake Ontario and many other matters of concern to the United States and Canada. In each case after extensive investigations, reports were made to the two governments containing a recital of the facts and recommendations for governmental consideration and action.

The commission first became involved in the regulation of water levels in the great lakes in 1914. In that year it issued an order approving applications by a Canadian company and a United States company to obstruct the waters of the St. Mary's river at Sault Ste. Marie and divert some of the water for power purposes on each side of the boundary. In granting its approval, the commission imposed conditions with respect to the control and operation of the works, in order to protect the various interests in both countries.

An international board of control was created, comprised of an engineer appointed by each government, and operation of the works approved was placed under the direct control of the board. The order also required operation of the works so as to maintain the level of lake Superior as near as may be between the levels of 600.3 and 601.8, a range of $1\frac{1}{2}$ feet, which is the present regime which is administered, and in a manner that would not interfere with navigation. In the previous 54 years of record, the range of levels of lake Superior had been about $3\frac{1}{2}$ feet, so the reduction there was about two feet, so this was a very substantial reduction in the previous range. The board of control was given the duty of formulating operating rules to achieve this result and of seeing that such rules were obeyed. Provisions were included also to protect the levels in the lower St. Mary's river. Any disagreement within the board was to be referred to the commission for decision. The cost of construction, maintenance and operation of the works was to be borne by the applicant companies. Incidentally, this was the first occasion on which the commission provided in an order of approval for the appointment of an international board of control to ensure that the terms of its order are complied with. The device has been remarkably effective and the precedent has been followed in most of the orders of approval issued since 1914 covering obstructions in boundary waters.

The lake Superior board of control formulated operating rules to maintain the level of the lake within the limits prescribed by the order of approval. The committee will be interested to know that this spring the board, while still complying with the order of approval, was able to release a small amount of additional flow from lake Superior, to alleviate low water conditions in the lower St. Mary's river. Since that time, with the commission's approval, flows somewhat in excess of those called for by the operating rules have been released to improve the low levels in lake Huron. At present these excess flows average about 10,000 c.f.s.

There are no dams or other works at the outlet of lake Huron by which the levels of the lake can be controlled. The same is true with regard to lake Erie. The International Joint Commission did, however, at the request of the two governments pursuant to the Niagara diversion treaty of 1950, make recommendations as to the nature and design of remedial works necessary above Niagara Falls to reduce erosion and maintain their scenic beauty, while permitting additional diversions for hydroelectric power production.

After the commission's recommendations were accepted by the governments in 1953, the commission established the international Niagara board of control to supervise construction of the remedial works and operation of the control structure to ensure accomplishment of its intended purposes, without

affecting in any way the levels of lake Erie. In approving additional works and excavation in the Niagara river since 1953, the commission has been careful to ensure in each case that there would be no effect, on the levels of lake Erie; and the Niagara board of control is charged with the responsibility of ensuring that this continues to be so.

Next we come to lake Ontario and the international section of the St. Lawrence river, and this may be the phase of the situation which may interest your committee most, Mr. Chairman. In July 1952 the governments of Canada and the United States applied to the International Joint Commission for approval of the construction, maintenance and operation, by entities to be designated later, of works for the development of power in the international section of the St. Lawrence river. This involved a dam and power house extending across the river at Barnhart island, a spillway dam wholly in the United States—the Long Sault dam—and a dam crossing the river at Iroquois Point to regulate the discharge from lake Ontario. It was a tremendous undertaking, estimated to cost some \$600 million. After a series of public hearings in both countries and the most intensive study, the commission issued its order of approval on October 29, 1952, subject to appropriate conditions for the protection and indemnity of all interests in either country which might be injured. The project involved removing the natural sill in the river which heretofore controlled the outflow from lake Ontario and replacing it with artificial works. The international St. Lawrence river board of control was created to ensure compliance with the terms of the order of approval and, with the approval of the commission, to carry out tests or experiments to determine desirable improvements in the regulation of levels and flows. Operation initially was to be in accordance with a carefully worked out plan, designated method of regulation No. 5, but the commission retained jurisdiction to make further orders in the light of the control board's recommendations. This built in flexibility in the commission's order of approval has proved to be of immense value in the subsequent "management" of the flows of the St. Lawrence. In due course, the government of Canada designated the Hydro-Electric Power Commission of Ontario and the government of the United States designated the Power Authority of the State of New York as the entities to construct, operate and maintain the works in accordance with the International Joint Commission order of approval.

Just a few days before the commission received the applications for approval of the St. Lawrence power works under article III of the boundary waters treaty, the governments of Canada and the United States submitted a joint reference to the commission under article IX of the treaty. This is the reference under the article which I quoted to the committee a few moments ago. The stated purpose of the reference was "In order to determine, having regard to all other interests, whether measures can be taken to regulate the level of lake Ontario for the benefit of property owners on the shores of the lake in the United States and Canada so as to reduce the extremes of stage which have been experienced". The commission was asked to study the various factors which affect the fluctuations of water level on lake Ontario and determine whether in its judgment, action could be taken by either or both governments to bring about a more beneficial range of stage, having regard to the proposed power and navigation improvements in the international section of the St. Lawrence. If it found that measures would be practical and in the public interest from the points of view of the two governments, the commission was to indicate how the interests on either side of the boundary would be benefited or adversely affected and provide an estimate of the costs of any measures recommended.

Members of the committee may recall that in 1951 and 1952 the level of lake Ontario was very high. I am sure that those members of the committee

who do recall this will remember the great concern which existed in parliament and in the public mind, as well as in the minds of those interested, at the flood damage that was caused by those high levels. I think it is well that we should keep this in mind when we are confronted with and contemplating a situation which is exactly the reverse. The highest mean monthly stage on record is June 1952—248.06 feet—which is 6.61 feet higher than the lowest month of record November 1934. Complaints of shore erosion, flooding and other substantial damage to shore properties came from all sides. Damage was particularly severe along the low-lying U.S. shore in the vicinity of Rochester, but our own shores also suffered extensive damage from erosion and flooding.

The commission lost no time in launching its studies under the lake Ontario reference. It held a series of public hearings in both countries and inspected many of the areas where damage had occurred. I might remind the committee at this point that this is the way we proceed; we proceed by holding public hearings, and when we have a reference to investigate for the two governments, we hold public hearings of which full notice is given so that those who are interested and who wish to express their views have full opportunity to do so; this is the standard common practice of our investigations. The commission appointed the international lake Ontario board of engineers, with one member from each country, also a common pattern of procedure of the commission.

This board was instructed to undertake, through appropriate agencies in the two countries, the necessary investigations and studies and to advise the commission on all technical and engineering matters which it would have to consider in making its report to the two governments. The studies under the reference were so scheduled as not to delay the construction of the St. Lawrence power works that I referred to earlier.

By March, 1955, the commission had concluded that measures could be taken, having regard to all interests, to regulate the level of lake Ontario so as to reduce the extremes of stage which had been experienced in the past, and the commission so advised the governments. Two months later the commission recommended that the two governments adopt:

- (i) A range of mean monthly elevations for lake Ontario of 242.77 feet (navigation season) to 246.77 feet "as nearly as may be" (this contrasted with a range in nature of 241.45 to 248.06.)

The reduction in the range, which was ultimately accepted and which is the present rule, meant a reduction of variation from six and one-half to four feet.

- (ii) Eleven criteria for a method of regulation of outflows and levels of lake Ontario, applicable to the power works being built in the international section of the St. Lawrence; and
- (iii) A plan of regulation, No. 12-A-9, subject to minor adjustments that might result from further detailed study.

The two governments accepted the first two recommendations and approved the range of elevations and the criteria. Plan 12-A-9 was also approved, but only for the limited purpose of calculating critical profiles and the design of channel excavations in the St. Lawrence. This would enable construction to proceed without delay. But the commission was urged to continue its studies "with a view to perfecting the plan of regulation so as best to meet the requirements of all interests, both upstream and downstream, within the range of elevations and criteria approved." The government of Canada was naturally concerned about the effects which the regulation of lake Ontario levels might have downstream in the exclusively Canadian section of the St. Lawrence and wished to leave no stone unturned in the search for the best possible method of regulation, having those national considerations in mind.

Having obtained the approval of both governments to the range of elevations for lake Ontario and the criteria applicable to operation of the St. Lawrence works, the commission on July 2, 1956, issued a supplementary order to its order of approval of October 29, 1952. Reference to a specific method of regulation was deleted and the approved criteria and range of elevations for lake Ontario were substituted. Provision was made for the commission to indicate in an appropriate fashion, as the occasion may require, the interrelationship of the range of elevations, the criteria and the other requirements of the order of approval. The supplementary order thus clarified the legal status of the works being constructed and the operational responsibilities of the two power entities and the commission's board of control.

The next step was for the commission to transfer responsibility for the continuing studies on lake Ontario regulation from its lake Ontario board of engineers to its St. Lawrence river board of control. This in response to the governments' request that we continue our studies with a view to perfecting the plan of regulation so as best to meet the requirements of all interests, both upstream and downstream. The board of control carried on with the regulation studies and prepared a revised plan of regulation designated 1958-A which the commission recommended to the governments in October of 1958. Plan 1958-A was actually put into effect at the St. Lawrence works on April 20, 1960. Since that time, the plan of regulation has been modified and refined in the light of experience. The plan currently being followed is known as plan 1958-D. We are still striving for perfection in the regulation of levels and flows.

I might add here that there is absolutely no substitute for experience in this business, and that is the reason the regime which has been established does allow for flexibility and allow for the lessons of experience to be built into the plan as it is evolved. This is fully in accord with the terms of the commission's order of approval in 1952, in which we retained the right to modify and change the flows on a test basis, in order to arrive at the most satisfactory plan for all concerned.

I believe it might be in order for me to say a few words now, Mr. Chairman, regarding the mechanisms and procedure by which the day to day regulation of St. Lawrence flows—and lake Ontario levels—is carried out. It is quite an involved arrangement, I can assure you, affecting as it does vital interests in both countries, both upstream and downstream from the regulating works. These are the interests of navigation, power and riparian owners. There are two provinces and one state involved. And there are also the national interests of the governments of Canada and the United States. A formidable undertaking, but possibly representative of the multiplicity of interests, political and economic, that would be involved in any attempt at co-ordinated regulation of the levels of all of the Great Lakes, a project which, as members of the committee are well aware, has been suggested in a number of quarters.

First we have the international St. Lawrence river board of control, which the commission provided for in its order of approval, back in 1952. It has eight members, four from each country, who were chosen for their varied and special competence. They are required to use their particular knowledge, not to further special interests but to ensure observance of the order as near as possible to the spirit in which it was issued. The board reports to and advises the commission. Any disagreement among the members of the board must be referred to the commission for decision. The board is responsible for the continuing studies to perfect the plan of regulation and with the commission's approval carries out tests to determine what modifications or changes would be desirable. The commission has given it discretionary authority to vary the flows under emergency and winter conditions and also—and this is most important—to provide beneficial effects, or relief from adverse effects, to one interest

when this can be done without appreciable adverse effects to others. Due to this flexibility, it has been possible on a number of occasions to provide additional flows for Montreal harbour to relieve low water conditions there, without harm to either riparian or power interests.

Naturally, the board cannot perform miracles. It can no more create water in the absence of precipitation than it can later indefinitely retain water surpluses when the precipitation cycle returns to what it was in the fifties, when everybody was complaining about high water.

This international board naturally has no jurisdiction over the flow of the Ottawa river, which is a regional or national matter. Moreover, the Ottawa, with its erratic flow, cannot subject the flow of the St. Lawrence to its whims.

In this connection, Mr. Chairman, members of the committee will be interested in the fact that the commission, at a meeting held in New York in January, 1963, decided formally—and made a formal decision to this effect—in requesting the board of control to proceed with studies and the formulation of recommendations concerning the plan of regulation, to provide therein, among other possible benefits, for improvement of the levels of Montreal harbour to the extent consistent with all requirements of the order of approval.

The reason that this is important in my judgment as a decision taken by the commission is that Montreal harbour, of course, is within the national section, yet the International Joint Commission, the United States section as well as the Canadian section, accepted this as one of the objectives of the regulation of the international section of the St. Lawrence.

It was as a result of those studies that the board of control recommended a revised plan of regulation, 1958-D, which was put into effect early in October of last year.

The Canadian section of the board of control has a full-time operations representative at Cornwall. He receives data on water supply conditions, levels and flows from many sources in both countries and on the basis of these data, calculates the outflow from lake Ontario for the following week which would be in accordance with the current plan of regulation and the other terms of the commission's order of approval. He also meets each week with an operations advisory group, comprised of representatives of interests on the river which are affected by regulation, such as Ontario Hydro, Power Authority of the State of New York, St. Lawrence Seaway Development Corporation, the Department of Transport and Hydro Quebec. This ensures that the board of control is currently informed of actual conditions existing in the St. Lawrence, the Ottawa river, Montreal harbour and lake Ontario, so that the regulation is based not only on long term theoretical considerations, but also immediate, practical factors. If a variation from the strict requirements of the plan of regulation appears desirable to meet local conditions, the operations advisory group recommends accordingly.

The representative at Cornwall of the Canadian section of the board of control then reconciles his calculations and recommendations with the conclusions reached by the representative of the United States section of the board of control. Joint recommendations are then put forward to the board of control. If they are accepted by the board, they are then passed along to the two power entities in the form of advice as to the flows which they should discharge during the following week in order to comply with the plan of regulation and the requirements of the commission's order of approval which, of course, is the governing document.

These arrangements, as I describe them in detail, may sound complicated and cumbersome, and no doubt they do, but in actual experience, the machinery works with great informality and very rapidly. In practice, all concerned have their say; at the same time we have achieved the flexibility of operation which is so desirable, indeed necessary.

I can remember very well when I succeeded General McNaughton and I had the advantage of talking over with him current cases before the International Joint Commission. I recall that he laid great emphasis on the importance of keeping this machinery of regulation flexible, so that the commission through this board of control might be able to meet conditions as they arose and to meet them promptly. And that flexible system which was established under his regime and that of my colleague, Dr. Dupuis, is the regime which presently obtains.

My purpose in outlining the procedure actually followed each week in regulating the outflow from lake Ontario is to emphasize that effective regulation of such a large body of water, where so many vital interests are at stake, cannot be achieved by blindly adhering to a fixed set of charts and rules drawn up in advance. They are an essential element in regulation, but no less essential is the constant surveillance of actual conditions and the exercise of professional judgment and discretion by dedicated public servants in the interests of both this country and our neighbour, the United States.

Finally, Mr. Chairman, I would like to say a word about the current position regarding the levels of lake Ontario and levels and flows in the St. Lawrence. I can assure you that the situation has been kept under constant surveillance and review by the commission and its board of control. Indeed, it was because of our concern about conditions as forecast by our experts that, at our meeting in Washington at the beginning of April, the commission prepared a careful joint statement on the subject which was forwarded to the governments of Canada and the United States. This statement was subsequently tabled in the House of Commons by the Prime Minister; nevertheless, because of its importance, I believe I should, in concluding my testimony, read it into the record of the committee.

Statement read.

At the semi-annual meeting of the International Joint Commission, United States and Canada, held in Washington April 7-10, 1964, the Commission received and considered the report of its International St. Lawrence River Board of Control, relating to current and prospective levels and flows in the international section of the St. Lawrence River.

Due to the abnormally low precipitation in the Great Lakes—St. Lawrence Basin in recent years, the levels and flows throughout the system have inevitably been below average and in fact on some occasions have dropped below the record lows of the last one hundred years.

Through the operation of the Regulating Works erected in the St. Lawrence, substantial improvements over natural conditions have been obtained both in lake Ontario and downstream as far as Montreal harbour through the co-operation of users with the Commission's Board of Control.

As the prospects for this year are not encouraging—we were looking at this from the vantage point of the beginning of April—supplies in the upper lakes are below normal, and the International Joint Commission and its board of control will direct their efforts to alleviate the effects of low water conditions to the maximum extent possible.

Under the commission's order of approval of 1952 and 1956, the St. Lawrence structures are to be operated to maintain lake Ontario levels from 6.6 foot unregulated range to a regulated 4 foot range from elevations 246.77 to 242.77, during the navigation season with due regard for other requirements both upstream and downstream.

The prescribed range of stage has been maintained with resultant improvement of conditions both upstream and downstream. In 1963, despite the fact that the water supplies in the area were the lowest in more than a hundred years of record, lake Ontario levels were maintained within the prescribed range and

above the stage that would otherwise have resulted. In the last 4 months of the year, for example, in 1963 on the lake was from 1.2 to 1.8 feet higher and outflows were from 6,000 to 21,000 c.f.s. greater than would have resulted had there been no regulation. This has been accomplished by retaining water during highflow periods and releasing it during the lowflow period. The above operation benefited all the users, both upstream and downstream.

The commission considers that acceptable results have been achieved despite extraordinary conditions. It feels however, that all affected interests should be forewarned that notwithstanding the fact that all regulatory works will continue to be operated in accordance with the order of approval, a continuation of the existing drought could result in water supply conditions worse than experienced last year.

And that is exactly of course what has happened.

That is the end of my statement, Mr. Chairman.

The CHAIRMAN: Thank you, Mr. Heeney.

Mr. CHATTERTON: Mr. Chairman, I should like to raise a question in respect of the enforcement of regulations governing the movement of watercraft in border waters.

On the west coast, in respect of which I have first hand knowledge, the boundary between the United States and Canada meanders among islands along the straits of Georgia and because of different regulations, there is great confusion when United States or Canadian tourists travel back and forth. United States tourists in Canadian waters are subject to the Criminal Code while Canadian tourists in United States waters are subject to the state or federal laws there. I understand this situation creates a great deal of difficulty.

Recently a case was referred to me, in the United States district court northern district of New York against Gananoque Boat Line Co. Ltd.

The CHAIRMAN: What is the case?

Mr. CHATTERTON: It is the United States of America against Gananoque Boat Line Co. Ltd., and the decision of the court reads as follows:

It's a matter with which this court can do nothing in the way of any affirmative action, but I do think I understand that the enforcement of speed regulations and travel regulations on these border waters might well become a matter of misunderstanding between the—our Canadian neighbours and this country, and I express the hope that that does not arise. I do believe from talking with counsel that the problem is of such proportion that it should receive the consideration of those in a position of authority, with the idea of doing away with the double set of rules or standards that apparently are now in vogue. In other words, the United States regulations apply to its territory, while Canadian regulations apply to its territory.

I should like to read one further portion of this judgment, which is as follows:

—I would like to call the attention of those authorities having the matter in charge of the necessity of a clearer understanding as to transportation upon these border waters.

I do not know whether it is in order or not, but I should like to move that this committee recommend that the International Joint Commission take this matter of duplicate border waters' regulations into consideration and make some joint decision in respect of the enforcement of such.

The CHAIRMAN: Ladies and gentlemen, is it agreeable that the judgment from which Mr. Chatterton has quoted be tabled and questions in respect of it asked of Mr. Heeney?

Some hon. MEMBERS: Agreed.

Mr. HEENEY: I am aware of the problem, Mr. Chairman. I do not think, from my casual examination of the law, that this subject falls within the ambit of the jurisdiction of the International Joint Commission. I would suggest, in a personal capacity and not as the chairman of the I.J.C., that if this committee desires to take some action in this regard it suggest to the Department of External Affairs that it explore, with representatives of the government of the United States, perhaps the department of state, the possibility of providing some uniform regulation regime for the enforcement of appropriate regulations or provisions in regard to the speed, and so on, of vessels operating in these waters.

One of the difficulties involved in this situation, I believe, results from the wash from ships, and the law as applied to one side is not the law as applied to the other side. The government of Canada might be asked to explore the possibility of establishing some regime of law in this regard and providing joint enforcement, by co-operation, of agreed regulations in order to meet the difficulty which, I know, is a very practical one.

Mr. FAIRWEATHER: Mr. Chairman, this subject involves a very interesting point and I should like to know whether the law applying, as far as United States is concerned, is a state law rather than federal?

Mr. HEENEY: I do not know. I have not looked into the matter to the extent that I can answer your question, Mr. Fairweather.

Mr. FAIRWEATHER: There may well be several different sets of laws or regulations that apply to these waters; is that right?

Mr. HEENEY: I believe there are several jurisdictions involved in respect of the federal waters of the United States and Canadian waters. Certainly the Criminal Code of Canada would apply, as well as provisions of the United States federal law and municipal or state laws of the United States.

The CHAIRMAN: Mr. Heeney apparently has recommended that this subject be referred to the Department of External Affairs.

Mr. CHATTERTON: I so move, Mr. Chairman.

The CHAIRMAN: Mr. Chatterton has moved that this subject be referred to the Department of External Affairs.

Mr. FAIRWEATHER: I second the motion.

The CHAIRMAN: Mr. Fairweather has seconded Mr. Chatterton's motion. Are all members in favour of the motion?

Some hon. MEMBERS: Agreed.

Motion agreed to.

Mr. DINDALE: Mr. Chairman, I should like to pursue the subject raised by Mr. Heeney in this excellent presentation in respect of the topic of control on the St. Lawrence river and great lakes, which has been a problem in recent years as a result of the current situation.

Recently two separate conferences were called to consider this matter; one by the premier of Ontario and the other by the Montreal harbours board.

Mr. HEENEY: The other was called by the Montreal port council.

Mr. DINDALE: That is right. Was the International Joint Commission represented at these meetings?

Mr. HEENEY: The International Joint Commission was notified of the port council meeting. My colleague, Dr. Dupuis was there on that occasion. In respect of the meeting called by the premier of Ontario, we were not included in the list of invitees, although I understand the government of Canada was represented by observers.

Mr. HERRIDGE: Who were the observers?

Mr. HEENEY: The government of Canada was represented by observers, who were, Mr. Patterson, head of the water resources branch, which falls within Mr. Dinsdale's old department, and two of his colleagues.

Mr. DINSDALE: It is my feeling that it was an oversight that the representatives of the International Joint Commission were not specifically invited to these meetings. As I understand the situation, the I.J.C. is specifically charged with the responsibility of carrying out negotiations in respect of regulations controlling these waters at this time.

Mr. HEENEY: Mr. Chairman, I do not think Mr. Dinsdale would expect me to either concur or otherwise in his opinion in respect of the propriety of the I.J.C. being invited having regard to responsibility and enforcement of regulation.

Perhaps I should mention one point in respect of our regulatory authority being limited at the present time to lake Ontario the levels of lake Ontario—as well as the international section of the St. Lawrence river, and lake Superior. Various suggestions have been made, particularly in respect of the matter of regulation, to the effect that a regime should be established to enforce regulation in respect of the central great lakes, and I understand that reference is now being made to the International Joint Commission possibly enforcing regulation in respect of lake Huron, lake Erie and elsewhere.

Mr. DINSDALE: That is the reference to which Mr. Martin alluded?

Mr. HEENEY: This is the reference to which Mr. Martin and the Prime Minister referred in the House of Commons.

Mr. DINSDALE: That reference has not actually been made to the International Joint Commission?

Mr. HEENEY: I think it is on the record that the government of Canada has consulted the government of the United States and that there is agreement between the two federal governments. Of course, the government of Canada is bound to consult the two provinces concerned, namely, Ontario and Quebec. I believe the province of Ontario has consented to this reference to the International Joint Commission, and I read in the newspapers that Mr. Levesque stated in the legislative assembly in Quebec that he has agreed that this should be done.

I think we have every reasonable expectation that a reference will go forward to the International Joint Commission very shortly to explore the feasibility and the desirability in terms of all the interests concerned within the basin of extending the regulatory regime beyond its present limitations.

Mr. DINSDALE: I would conclude it is not possible at this stage to indicate what the nature of the reference would be. Is it under the terms of the articles you have outlined or will it be a much broader reference than anything that has been considered by the International Joint Commission heretofore?

Mr. HEENEY: I do not suppose it is for me to more than speculate in my reply.

Mr. DINSDALE: Perhaps I should put that question to Mr. Martin.

Mr. HEENEY: Perhaps Mr. Martin will be back before the committee concludes.

However, I would expect from the comments I have heard and the discussions I have had in Ottawa and Washington that the reference would be essentially an inquiry of the International Joint Commission in respect of whether an extensive scheme of regulation extending beyond lake Ontario and lake Superior would be (a) feasible from an engineering point of view, and (b) desirable from the point of view of improving our authority over these waters in order to make the best use of them in the interests of both countries.

Mr. DINSDALE: In other words, you would conjecture that the reference would include the entire great lakes system beyond lake Ontario?

Mr. HEENEY: From the international boundary at the top of lake St. Francis up to the head of the lakes. I would expect that, yes.

Mr. DINSDALE: I was discussing this question with my colleague Mr. Aiken from Parry Sound, who has been concerned with this subject. I think he attended the conference at Montreal. His particular problem is lake Huron where the water levels are extremely low. At this stage is there no possibility of regulating or controlling?

Mr. HEENEY: A little has been done. As I mentioned in my statement, some additional water was released from lake Superior. But, lake Superior itself is governed within its limited range of stage in the interests of shipping and riparian owners as well. But, as I say, it was possible to release an additional 10,000 c.f.s. very recently. Then there was a slight alleviation earlier in the season, but that was primarily for navigation in the lower part of the St. Mary's river.

Mr. DINSDALE: Under the terms of the existing references just how far is the International Joint Commission able to go in taking into consideration the multiple use aspect of water control and regulation? What is the order of priority?

Mr. HEENEY: The order of priority, as fixed by our treaty is, firstly, domestic and sanitary use; secondly, navigation and, thirdly, power. As I say, this is the order of priority fixed by our governing charter.

Mr. DINSDALE: You say the first is domestic and sanitary use?

Mr. HEENEY: Yes.

Mr. DINSDALE: Would tourism come under this particular reference?

Mr. HEENEY: I do not know. Our thinking has developed greatly since 1909 in respect of multiple use and tourism and improvement of the environment and all these factors brought into play by engineers and economists when they do cost benefit studies. One might be able to interpret some words within the treaty in that way. But, I would not like to rely upon our charter at the present time; I would like to have some new mandate if that was to be brought into consideration.

Mr. DINSDALE: Perhaps this could be spelled out under the new terms of reference that would be forthcoming.

Mr. HEENEY: It certainly would be competent to the two governments in their reference to us to say: you shall take these considerations into account.

Mr. DINSDALE: Does the problem of pollution come under your control?

Mr. HEENEY: Yes. But, perhaps the word "control" is not the right one to use.

Mr. DINSDALE: Perhaps I should have used the word "attention".

Mr. HEENEY: It comes within our jurisdiction. However, the extent of our control, of course, is greatly complicated by local jurisdiction, which is the local authority, the municipality, the state and the province, which have teeth. But, we have been able to make very considerable progress in water and air pollution in the connecting channels of the great lakes. However, we have to proceed very largely by persuasion. That has not been an empty operation at all and very considerable improvement has been made over the years, with the co-operation of the provincial authorities on our side and the local authorities on the American side.

Mr. DINSDALE: Are the terms of reference for the International Joint Commission the same on the American side as they are on the Canadian side?

Mr. HEENEY: They are identical. Each new reference that comes is an agreed reference between Washington and Ottawa. It is only after they agree upon the text that it is delivered to us for implementation.

Mr. DINSDALE: I have one more question, which is not quite along the same lines.

Has the International Joint Commission ever given any consideration to such projects as the Harricanaw river?

Mr. HEENEY: Well, we read the newspapers and learned journals and talk with people interested in the resource business. Of course, we are aware of many of these great schemes that have been suggested in various quarters. The one that has the most prominence now in terms of possible diversion is the Harricanaw and the reversing of that river which flows into James bay. But, we have given no consideration as a commission to any of these projects.

Mr. DINSDALE: Is it possible under your terms of reference or under—

Mr. HEENEY: Under our law?

Mr. DINSDALE: —or under your law to include a project of this kind in the terms of reference which might be forthcoming?

Mr. HEENEY: If the government wished to refer such proposal to us they certainly could do so and it would be competent to us under the law to do so.

Mr. DINSDALE: After you receive your terms of reference—and it seems to be indicated they will be pretty broad—how long would it require to complete a comprehensive study of this kind and bring forth recommendations for the consideration of the government?

Mr. HEENEY: You are now referring to the Harricanaw and such schemes?

Mr. DINSDALE: I am referring to the indication by Mr. Martin that there will be new terms of reference forthcoming, and I presume these will be fairly broad. How long would it require to carry out a comprehensive study of the whole water system?

Mr. HEENEY: Well, I had not thought that what the governments were contemplating now and the reference which we were speaking about a moment ago, as I understand it, would have any reference to schemes for the diversion of waters into the great lakes basin but only to the possibility and the desirability of extending the regime of regulating water we now have in the basin beyond the present limitations.

Mr. DINSDALE: Mr. Turner, speaking for the Minister of Northern Affairs, intimated at the conference in Montreal that there would be no special agency set up to consider the broader implications of this problem; in other words, he implied, in fact, I think he indicated specifically that this function would be allotted to the International Joint Commission which would be the agency entirely responsible for giving detailed consideration. Would that not suggest, if this problem is going to be tackled along the lines outlined during the conferences in Montreal and Toronto, that these schemes, such as the one I mentioned, the Harricanaw, or the St. James diversion, would have to be given some consideration.

Mr. HEENEY: Well, I speak with a certain amount of reserve here because it is for the governments to decide. There would be no reason in law why such a more extended examination should not be made under the auspices of the International Joint Commission if it is to be an international examination of such large schemes. It is thought, I believe, in some quarters that a national examination of the national considerations involved in such diversionary schemes should perhaps be a preliminary to a joint international examination of such large projects. I do want to emphasize the distinction, however, between a reference on the desirability and feasibility of an extended regulation of the waters presently in the basin, and the proposals for the introduc-

tion of new water into the basin by the diversion of rivers, or possibly other methods. However, if the International Joint Commission were asked to undertake the latter type of examination, it would be competent to do it by law, and as it proceeds, not through its own staff but through interdepartmental agencies—as you are well aware, Mr. Dinsdale—it would be possible for it to gather together the teams, following the procedure, which it normally does, which would be competent to make such an examination.

To go back to your question on timing, I think it would be unwise of me to make any suggestion on what time would be involved because we still have to go below the surface in these great matters, and there are very complicated factors involved, both political and economic as well as, of course, the engineering features. I think myself that the engineering features are probably the least complicated, but the economic and political factors are probably the most difficult in such large projects.

Mr. HERRIDGE: Mr. Chairman, I have a supplementary question with respect to an answer given by Mr. Heeney. Did Mr. Patterson make a report in writing of the Ontario meeting you mentioned to the International Joint Commission on the result of his observations?

Mr. HEENEY: No, Mr. Chairman.

Mr. HERRIDGE: Whom did he report to?

Mr. HEENEY: To his minister, the Minister of Northern Affairs and National Resources, I would expect.

Mr. HERRIDGE: So there is no co-operation in that respect?

Mr. HEENEY: It is not that there is no co-operation but it is not in the line of his responsibility.

Mr. NOBLE: Mr. Chairman, Mr. Dinsdale covered the field that I had in mind pretty well. However, I want to say that I am especially interested in the water levels of lake Huron. As Mr. Heeney knows a lot about this and made all sorts of propositions on how some emergency measures could possibly be taken to do something—

Mr. HEENEY: You are competing with the compressor. It is hard to hear.

Mr. NOBLE: I am concerned about what we can do immediately because the program, as I understand it, is going to be a long drawn out affair if we wait for the International Joint Commission to take some of the measures that I feel they have in mind. I was at the meeting in Montreal and I have heard some of the proposals put forward by the parliamentary secretary. I believe they were good, but it seems to me that if we have to get the water levels back, a lot of time is going to elapse and I am afraid we are going to be suffering for quite some time. I am wondering if I could ask for your opinion. Of course, I do not know whether you would go for this and I do not know whether I should ask you for your opinion but I have in mind the possibility of controlling each individual lake. I am wondering if you would like to express yourself on that, if you think this is feasible, if this would be the answer to our problem and if we could accomplish this. What is your opinion on this?

Mr. HEENEY: I would not have an opinion at this stage on the feasibility or desirability of such a thing. I fully appreciate the difficulties which have been encountered in lake Huron, and the International Joint Commission, so far as it has any powers or facilities, has borne this in mind through its board of control which controls lake Superior. This was a feature in the additional release that we were able to make the other day and still retain lake Superior at the level at which it must be retained. I think that what is in the minds of the two governments in this reference, which is now so near to coming to us, is an examination of all the possibilities of control of the lakes in the

interests of the riparians, and I know your anxieties no doubt involve the port facilities, and all that kind of thing, as well as the tourist facilities which have been so hard hit. I am afraid I am inclined to agree with you in your first statement that all of these things that are being talked about are long term, but this is a long term natural phenomenon that we are dealing with. It is a cyclical affair, and we are simply at a very low period.

Mr. NOBLE: I would like to interject here. Although we hope it is cyclical I am afraid it is of a more permanent nature because the people who observe the cycles decided this has nothing to do with it. That is just an observation that was made.

Mr. HEENEY: Maybe, but some have not.

Mr. NOBLE: As you say in your brief, I remember in 1952 some dance pavilions 400 feet away from the water had to be sand bagged to save them because the water was going to wash them away. However, the extreme now goes the other way. You say it is the lowest level in history. I am wondering if we could not come up with some solution. I do not know whether you read it but I made a suggestion in the House of Commons that we should secure a couple of old freighters that are possibly 600 or 700 feet long, fill them with sand and put them along each side of the channel at the lower end of lake Huron. We would then be able to tell whether this would have anything to do with holding back the water to the extent I hoped for before we spend maybe millions of dollars putting up some sort of a lock or dam, or whatever it might be, to secure these results. I thought we could put these old freighters there, fill them up with sand, pump the sand in and then pump it out again, and get some results in this way. This is not going to cost us a lot of money.

Mr. HEENEY: I do not know what the people down on the other lakes would feel about that.

Mr. NOBLE: You mean lake Erie? You have lots of water in lake Ontario.

Mr. HEENEY: They do not feel that at the harbour of Montreal.

Mr. NOBLE: They have a lot more there than in lake Huron.

There is another thing I would like to point out, and that is the fact that you are keeping the water in lake Superior at a fairly status quo level; you are not troubled too much with the water there. Was this water held back in lake Superior on purpose or was it on account of having the locks there and it just happened that it has turned out this way?

Mr. HEENEY: No, this was determined by the engineers and the experts to be the optimum range which should exist in lake Superior. I do not think that others would really quite agree that there was all that additional water available in lake Superior. This additional release of 10,000 C.F.S. goes beyond the normal rule curve which would apply at this time of the year. It was felt that in all the circumstances this could be done because of the situation which is concerning you, and that it will have some little effect but not as much as we would like, of course.

Mr. NOBLE: We believe that a small amount of water is being diverted to the great lakes and a lot is being used in Chicago.

Mr. HEENEY: It is 5,000 C.F.S. compared to 3,200 C.F.S.

Mr. NOBLE: We are often told this back in our constituency. They say, "All those Yankees are stealing our water".

Mr. HEENEY: When I was at the McGill law school writing a thesis on the "Chicago water steal", I thought this was an admirable piece of exposition on international law, but I learned a good deal since then. It is true, as I said in my statement, that it is 3,200 C.F.S., and if the water diversion at Chicago was cut off tomorrow morning it would not have much effect, I am afraid, on the level of lake Huron.

Mr. NOBLE: From what I heard you say, in answer to Mr. Dinsdale, I gathered you felt that there are possibilities of us doing something within the great lakes before we resort to diversion.

Mr. HEENEY: It is my impression, Mr. Chairman, and it is no more than an impression at this stage because we simply have not got the data, nobody has the data before them, that there are possibilities well worth exploring in the extension of the regulatory system which has been on the whole very satisfactory in the international section of the St. Lawrence river and in lake Ontario. I think it is well worth exploring, and it is in that spirit that we will go at it just as promptly as we can, with effectiveness and efficiency, if the governments go through with this reference, which I expect them to do very quickly.

Mr. NOBLE: I might say that I agree with the course of the diversion. I have spoken to Mr. Kierans on a number of occasions and he tells me that even in the shortest possible time that we could get the engineering done, we could not get any action before ten years. This is a long time to wait.

Mr. HEENEY: It is pretty hard to explain to your constituents.

Mr. NOBLE: That is right.

Mr. HERRIDGE: Would you say that the diversion to the United States is not causing Canada any damage?

Mr. HEENEY: I would not say that; any water that is going out of the system is water lost to us, but it is not as large as is sometimes thought. I can remember when I was in Washington fighting pretty hard on your behalf a proposition proposed from Chicago to authorize them to increase their diversion from the limit of 3,200 C.F.S. to higher levels; there were various bills, as no doubt you know, before the congress to increase it to various amounts. The state department did weigh in against that legislation, and so far it has not gone very far.

Mr. GELBER: Mr. Heeney, in addition to the Chicago water diversion, are there any other consumptive diversions which would affect levels of water? I am thinking of such things as irrigation and water used for industrial purposes.

Mr. HEENEY: For the most part, the water taken for consumptive purposes goes back into the basin. The experts tell me there is very little loss. This is the one non-consumptive use or non-returnable diversion which is of any importance.

Mr. NOBLE: I notice in the paper that the city of London is talking about putting in a pipe line from lake Huron to the city of London. To whom do they have to go for permission?

Mr. HEENEY: That would not come under the jurisdiction of the International Joint Commission. I believe they would have to go to the Ontario Water Resources Commission. They must go to some other authority, possibly the department of municipal affairs. This is the sort of water in respect of which I was answering Mr. Gelber. It is water which comes out but goes back in.

Mr. NOBLE: There would be some evaporation. Would there not be quite an amount of evaporation loss?

Mr. HEENEY: Not too much. It would really not be appreciable. Dr. Dupuis tells me his guess is that it would be 10 per cent or 15 per cent.

Mr. FAIRWEATHER: How would a bill of the United States congress to increase the amounts going through at Chicago fit into the boundary waters treaty act of 1909? Could the United States congress authorize the increase from 3,200 C.F.S.?

Mr. HEENEY: I would contend it could not. This is exactly what I did at the time. This would be ultra vires in international law.

Mr. FAIRWEATHER: My other point may be as a result of a misreading, but on page 9 I notice that the lowest month on record was in the year 1934. Would the exception to that be this year?

Mr. HEENEY: No. I think it still is the lowest on record. We are talking about lake Ontario there.

Mr. FAIRWEATHER: Yes.

Mr. HEENEY: We are hoping that lake Ontario will remain within the range of stage, and also lake Superior—these are the two lakes we regulate.

Mr. NOBLE: Lake Huron now is at the lowest it has been in history.

Mr. HEENEY: Unfortunately, we are not regulating this lake. I do not wish to give the impression that if we were regulating lake Huron everything would be all right; however, we are not regulating it. I think we will be asked to look into the feasibility of regulating it, but whether or not we would be successful remains to be seen.

Mr. NOBLE: Has there been any engineering done which would give you any indication of the possibilities? Do you know of any engineering which has been done by either government?

Mr. HEENEY: The United States corps of engineers have done some preliminary studies, but I have not seen them.

Mr. FAIRWEATHER: At the bottom of page 5 there is an interesting observation:

It merely makes recommendations to the governments.

Mr. HEENEY: I did not say "merely". It is in the written text, but I did not say it.

Mr. FAIRWEATHER: I was not going to make a point of that. I am interested in the fact that there could be a minority or separate report. Just as I am a great admirer of the concept of the International Joint Commission, I would be interested to know whether it often is the case that there are minority or separate reports.

Mr. HEENEY: No, Mr. Chairman; it is very, very rare indeed. It certainly has not occurred since I have been the chairman of the Canadian section. I am reminded that the Waterton-Belly reference did reach an impasse, but that was the only one that did; that was in Alberta.

Mr. HERRIDGE: I have two simple questions. Would Mr. Heeneey inform the committee of the number of meetings held by the International Joint Commission, where they were held, and the subjects discussed and decisions made during the last year?

Mr. HEENEY: I would be very glad to obtain that information for you; I do not have it at the tip of my tongue. I could make a general reply which may help to enlighten you in this respect. By the International Joint Commission, do you mean the whole commission as constituted?

Mr. HERRIDGE: Yes.

Mr. HEENEY: There are three members on the United States side and three on the Canadian side. There are two formal meetings required under the rules of procedure; one, appropriately, is held in Washington in the spring, and the other in the autumn, equally appropriately, is held in Ottawa. The other meetings are held as required during the course of our investigations. Since I have been chairman we always have had one or two additional meetings where all commissioners have been present for deliberative purposes. I am speaking of deliberative meetings. Then, there are hearings which take place upon specific references. The most recent hearings we have held were

on an application by Ontario hydro to put an ice boom at the mouth of the Niagara river. That hearing was held in Buffalo and occupied a day or so. Then, there were hearings held in the United States at three points, and in Canada, also at these points on the Champlain reference; those were meetings of a different nature, where we sat to hear evidence.

Other meetings sometimes involve all the commissioners, and sometimes there are a few of the commissioners present. However, a good deal of our deliberative proceedings are conducted by correspondence, telephone communications, and so on. There is no precise pattern on that, although I could obtain statistics for you if you wish.

The Canadian section of the commission meets separately from time to time to consider the Canadian side of cases, and I have no doubt that the United States section carries on in very much the same way. I am sorry not to be statistical in my reply.

Mr. HERRIDGE: Could you furnish that information?

Mr. HEENEY: Of course I could; yes.

Mr. HERRIDGE: Would you mind informing the committee in respect of meetings held by the Canadian section in Canada, and the problems that are being considered by them now in each province?

Mr. HEENEY: I have before me the cases which presently are active before the commission. I would be very glad to read these into the record now.

Mr. HERRIDGE: Would you please?

Mr. HEENEY: We have a reference on the St. Croix river; that has to do both with the engineering aspects and with pollution.

Mr. HERRIDGE: There is no decision in that case yet?

Mr. HEENEY: No. Recommendations were made by the International Joint Commission on the St. Croix on October, 1959, but we have a continuing responsibility there with regard to surveillance, and particularly with regard to pollution; this is an active case.

In fact we shall be making an inspection trip there in September. That is another form of meeting that we have. The next active matter is the Vanceboro dam which is another New Brunswick case where an application is before us for consideration.

Then there is the Champlain waterway reference. This is in the province of Quebec, so far as Canada is concerned, but it is an active reference. Then there is the St. Lawrence power application and the lake Ontario levels which I have been speaking about this afternoon. This is a day to day matter.

Then we have the lake Superior case or docket which I have spoken about, and that, of course, is a current problem. You see, if I might interrupt at this point, it is not only a question of cases we hear and dispose of, but also cases we have continuing and administrative responsibility in regard to very many of them. These, in fact, I suppose, constitute the larger element in our day to day work-load of hearings and preparations for them. Then, there is the water pollution problem in the channels of the great lakes and the water pollution of the Rainy river, which is another active case before us, and we hope to be able to report on it before the end of the year. That is in Ontario.

We have the midwestern watershed, with the Pembina and the Souris rivers, both of which are active, and we have a board which is, I hope, in its final studies and examination of that problem.

Mr. DINSDALE: There is a matter about which I would like to have some information, I refer particularly to the Souris river which rises in Canada, crosses into the United States, then comes back into Canada again. There are several important towns which are completely dependant on the level of the water supply in this river. There has been considerable study of the matter, I understand.

Mr. HEENEY: Yes, a great deal.

Mr. DINSDALE: Several significant dam projects are being held in abeyance until such time as final conclusions are reached. What is the up to date situation in that respect?

Mr. HEENEY: Are you speaking of the Souris?

Mr. DINSDALE: Yes.

Mr. HEENEY: The present situation is that the waters of the Souris are allocated between Saskatchewan and North Dakota at the boundary on a 50-50 basis. I have forgotten the amount of water involved, but I believe unfortunately it is sad but small. I wonder if there is anything currently on the Souris at the present time? I was inquiring about what Mr. Dinsdale is talking about, whether there were dams on the river. We do not have any. We have an interim regime of allocation as between the two countries at the boundary.

Mr. DINSDALE: This is an immediate problem, to maintain the designated level and flow into Canada. I have forgotten the figure; but there was a tendency for it to be violated from time to time. However, more recently I believe it has been pretty well observed.

Mr. HEENEY: Since my chairmanship there has been no suggestion but that this allocation has been observed so far as it goes.

Mr. DINSDALE: I was thinking particularly of the Antler river and dam. This river flows into the Souris. A decision on it is awaiting a report on the Pembina diversion.

Mr. HEENEY: We hope to have a report on the Pembina which, I might say for the information of the committee, is being examined from the point of view of conservation, irrigation, and flood control, as well as on another factor on the Pembina, the possibility of improved use and general cooperation. We expect to have a report on it by the end of this year. There is a problem about what kind of dam there should be and where it should be located. That is one of the factors which the board is looking into.

Mr. DINSDALE: This is an active study?

Mr. HEENEY: Oh, yes, it is very active.

Mr. DINSDALE: And there will be a report forthcoming?

Mr. HEENEY: We hope there will be a report from our board to us by the end of 1964.

Now, to go ahead with Mr. Herridge's list.

Mr. HERRIDGE: It is not my list, but yours.

Mr. HEENEY: I mean my list but for your information. We have the Niagara board of control which is of course an active day to day matter; the international Rainy lake board of control, which controls releases from Rainy lake and makes allocations; the lake of the Woods control board which is in operation to maintain the range of the lake of the Woods; the Souris river board of control which we have been talking about; and the advisory board on air pollution which is a subject we have not gone into. This has made some considerable progress lately in regard to pollution of the air over the boundary, principally in the Detroit and Windsor area.

Mr. DINSDALE: Who is represented on the Souris control board?

Mr. HEENEY: We constitute the board. It is a commission board. But the officials we designate are federal on our side, and state on the other side. The Canadian member is from the department of northern affairs, because we always have the water resources branch represented in these matters.

Mr. DINSDALE: There is no direct municipal representation?

Mr. HEENEY: No. Then we have the Saint John river engineering board, which is another active case, and the levels of lake Ontario. These are the principal active cases, but that does not mean to say that all the other cases are closed. Some of them involve administrative responsibilities which we have to discharge in connection with them.

Mr. FAIRWEATHER: In the case of the Saint John river, is there particular reference to the head waters?

Mr. HEENEY: That is right, this all involves joint use and exploitation.

Mr. HERRIDGE: Are you doing anything about the Columbia river, or is it entirely out of your hands by now?

Mr. HEENEY: It left the commission before I came into it.

Mr. FAIRWEATHER: That was the right answer.

An hon. MEMBER: It certainly was.

Mr. HERRIDGE: You have stymied me from this point on. I am speechless.

Mrs. KONANTZ: I do not wish to take up the time of the committee but I wonder if I could go to you at some time to find out about the investigations of the waters of lake of the Woods?

Mr. HEENEY: Of course you can, at any time.

Mrs. KONANTZ: I am interested in them, and especially with respect to the Winnipeg river.

Mr. HEENEY: I would be delighted to provide that information to you, Mrs. Konantz.

The CHAIRMAN: Have you any further questions?

Mr. DINSDALE: No.

Mr. HEENEY: I hope you are not stymied too.

The CHAIRMAN: Gentlemen, if there are no further questions perhaps we can now carry item No. 40, covering the International Joint Commission, in the amount of \$151,500.

Mr. FAIRWEATHER: Mr. Chairman, I should like to ask one further question which I hope will not be of embarrassment to the witness. Are United States salaries comparable to Canadian salaries in respect of this section?

Mr. HEENEY: I do not know that I am aware of the salaries of the United States section, do I?

Mr. CHANCE: Not officially.

Mr. HEENEY: I do not think I know what their salaries are.

The CHAIRMAN: Ladies and gentlemen, does item 40 carry?

Item agreed to.

The CHAIRMAN: Thank you Mr. Heeney and your colleagues for your attendance at this meeting.

Mr. HEENEY: I have enjoyed being with this committee again.

The CHAIRMAN: With the permission of members of this committee we will now revert to item 1.

- 1 Administration, operation and maintenance including payment of remuneration, subject to the approval of the governor in council and notwithstanding the Civil Service Act, in connection with the assignment by the Canadian government of Canadians to the staffs of the international organizations detailed in the estimates (part recoverable from those organizations) and authority to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of those organizations of such expenses, and authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of commissioners (international commissions for

supervision and control in Indo-china), secretaries and staff by the governor in council; official hospitality; relief and repatriation of distressed Canadian citizens abroad and their dependents and reimbursement of the United Kingdom for relief expenditures incurred by its diplomatic and consular posts on Canadian account (part recoverable); Canadian representation at international conferences; expenses of the third commonwealth education conference; a cultural relations and academic exchange program with the French community, and grants as detailed in the estimates, \$10,826,300.

The CHAIRMAN: Perhaps Mr. Moran will come to the table at this stage.

Dr. H. O. MORAN (*Director General, External Aid Office*): Thank you Mr. Chairman.

The CHAIRMAN: We will now reconsider item No. 1 and I recognize Mr. Dinsdale as the first questioner.

Mr. DINSDALE: My question is in reference to the \$15 million item, Mr. Chairman, in respect of the international food aid program.

You will recall, Mr. Moran, that I asked during a committee meeting several days ago if we were to be provided with a detailed breakdown. We discussed this proposition two meetings ago, and there was some intimation that a detailed breakdown would be given. This was also discussed at yesterday's meeting, as I recall, and some information in this regard was given in response to a question asked by another member of the committee.

Perhaps I can be more specific and indicate the reason why I am looking for a detailed breakdown. I have been pursuing this subject in respect of the emergency food assistance to Hong Kong for some time but have been unable to obtain any specific information. It occurs to me, in view of the \$15 million being made available for food assistance, and in view of the continuing need of Hong Kong for food and its strategic importance as a listening and contact post for a western world with mainland China, that some consideration should be given in regard to providing some food assistance. My interest was further aroused by the fact that we are continuing emergency food assistance to Indonesia, in respect of which I do not think the problems are any greater than those in existence in Hong Kong. I am trying to find out whether allocations in respect of the \$15 million program will include some assistance to Hong Kong.

Mr. MORAN: Mr. Chairman, yesterday in response to a question concerning a breakdown of the \$15 million under this year's food aid program included in the estimates of the external aid office I explained that the amounts would be: India, \$7 million; Pakistan, \$3.65 million—both in wheat—Ceylon, \$1 million in flour; Burma, \$350,000; Indonesia, \$350,000 and Vietnam, \$150,000. I hope that adds up to \$12,500,000.

The remaining \$2,500,000 represents the Canadian contribution of \$2 million in kind to the world food program and \$500,000 as our contribution of wheat to the United Nations works agency for Palestine refugees. I believe these amounts total \$15 million.

Mr. DINSDALE: Hong Kong is not included?

Mr. MORAN: Hong Kong has never been included in this type of assistance. The amounts I have given for the Colombo plan countries are the traditional shipments of wheat and flour under the Colombo plan. They are the same amounts and to the same countries as were supplied prior to the cut in the Colombo plan appropriation in 1961-62. After the increase from \$35 million to \$50 million of Colombo plan funds in the fiscal year 1958-59, \$12,500,000 was in the form of wheat and flour, in the amounts I have indicated and to the countries I have mentioned. This year instead of taking that \$12,500,000 from

the Colombo plan appropriation it has been lifted out and placed under a separate heading, but there has been no change made in either the amount or the direction of our wheat allocations.

Mr. DINSDALE: Powdered milk and food commodities of that kind are not included in this \$15 million item; is that right?

Mr. MORAN: No, sir. That type of food has never at any time formed a part of the Canadian aid program. I think it is important to appreciate this fact. About a year ago there was a newspaper article criticizing the supply of powdered milk and dried fish as aid items but the truth is that food items of that nature have never been included in a Canadian grant aid program. These commodities sometimes have been given as part of an emergency relief supply. On those occasions they have been distributed through voluntary agencies such as the Red Cross, the Unitarian service committee and church groups. Other similar voluntary organizations have been used as instruments of distribution. These commodities have never been part of any official Canadian government grant aid program.

Mr. PATTERSON: Why?

Mr. MORAN: Because they have not been requested and also, I suppose, for the reasons outlined in the newspaper article to which I referred. These programs are designed for purposes of development and not for the supply of consumer items like food. Things like dried fish are not a staple in the diet of the people, but they are accepted in emergencies in some parts of Asia. One would not normally find dried fish consumed in these countries except on occasions of severe famine or following disasters resulting from cyclones or earthquakes. Such items are normally regarded as more appropriate for contributions through voluntary agencies.

Perhaps a more effective answer could be given to you by Charles Lynch who has on more than one occasion criticized the wheat and flour supplies being part of our development aid program.

Mr. DINSDALE: Mr. Chairman, I intended to make the observation that the criticisms applying in respect of the supply of powdered milk would apply equally to the supply of wheat and flour. I think one of the reasons we have supplied wheat and flour is the surplus position. The same criterion could also be used in connection with the supply of powdered milk, in view of our continuing dairy products surplus.

I am interested in this powdered milk situation because I have had the privilege of visiting Hong Kong and have witnessed the fact that Canada is held in high regard, because of the fact that, other than its supply of grain to mainland China, the one glass of milk provided daily to every student in schools in Hong Kong is supplied by Canada. This is probably the most nutritious item in their daily diet and it is fully recognized that this milk is being supplied from Canadian sources. I visited some of these classrooms and I found there was a positive attitude toward Canada on the basis of this very simple food program.

Mr. MORAN: Yes. It is true that an item like powdered milk might be acceptable in some of these countries. What I was endeavouring to point out, in answer to Mr. Patterson's question, is that wheat and flour are a part of the normal diet of the people in the countries where these commodities are being provided. In fact, these same countries themselves grow wheat. You will recall yesterday I mentioned that ours is a responsive program and we provide those things requested of us. We have never been asked under the aid program to supply powdered milk, dried fish or things of that nature. This is why I was suggesting there is a distinction between something that is acceptable and desirable in a time of emergency and something that countries regularly require to supplement their own production.

Mr. DINSDALE: Well now, is India a country of wheat and flour eaters?

Mr. MORAN: Yes, in certain areas, and they also produce wheat. The same thing applies to Pakistan. You will find in east Pakistan the Bengali is a rice eater and they get some supplies from Burma and additional amounts, I think, under the United States P.L. 480 program. On the other hand, west Pakistanis traditionally eat wheat.

Mr. DINSDALE: Mr. Patterson was discussing this yesterday in respect of wheat to India and the impression then was that India did not use Canadian flour.

Mr. MORAN: Not flour. It is wheat we send to India.

Mr. DINSDALE: Well, he mentioned the trans-shipment of wheat through other countries to India.

Mr. MORAN: Which came back in the form of flour?

Mr. PATTERSON: It came back with a Soviet tag on it.

Mr. MORAN: Well, I answered that by saying this is hardly practicable because the Indian peasant does not use flour. With his mortar and pestle he grinds the grain to make his chapatties. That is why flour is of no value to them; otherwise they would have asked us for flour. I would be surprised if the statement which you reported had any basis. Actually I have been out in India and I have seen the wheat being distributed. There is no transshipment involved.

Mr. NOBLE: Is most of this food that is going to these countries processed food or are we shipping quite a lot of wheat?

Mr. MORAN: There is nothing but wheat and flour being included in the Canadian aid programs, although many voluntary agencies in Canada, with funds raised through private subscription, send a variety of foodstuffs to a number of countries. Under the aid program so far, we have provided solely wheat and flour. There is only the one vote in the aid estimates for foodstuffs. It is for \$15 million and I gave the breakdown of that amount to Mr. Dinsdale earlier this afternoon.

Mr. DINSDALE: Is there any reason, Mr. Chairman, why we would be more interested in an aid program for Indonesia in preference to Hong Kong, where the needs are comparable.

Mr. MORAN: Well, of course, I am not competent to answer that question. All I know is that before the external aid office came into being and before I was charged with my present responsibility the direction and allocation of the wheat and flour had been decided and no decision has been taken to alter these amounts except for those two or three years when there was a cut in the Colombo plan.

Mr. DINSDALE: That was one year, was it not? It actually was increased \$15 million.

Mr. MORAN: No sir. The Colombo plan cut has never been restored until this year.

Mr. DINSDALE: It was increased in 1959 by \$15 million.

Mr. MORAN: Yes.

Mr. DINSDALE: And it was decreased in 1961-62 for one year.

Mr. MORAN: Yes, and continued in the following—

Mr. DINSDALE: And it was restored last year.

Mr. MORAN: So long as the appropriation was \$50 million, the wheat was flowing in these amounts to these countries; as far as Hong Kong is concerned, it has never received food under the Canadian aid program.

Mr. GELBER: Mr. Moran, is our policy influenced by whether or not the recipient country is a non-self-governing or self-governing country? Have we done very much in respect of aid to non-self-governing territories?

Mr. MORAN: We have given some aid. For example, countries like Uganda and Tanganyika received assistance from Canada in limited amounts prior to their independence. This year we will continue assistance, as in the past, to the Leeward and Windward islands in the West Indies, although they are dependant territories. However, the major portion of the Canadian assistance in the Caribbean will go to the independent islands of Jamaica and Trinidad and Tobago. But, we are not overlooking the little islands and, in fact, the amount of money we have already committed for the little 8 is almost as much as the sum that was available for the entire Caribbean area last year. At the same time, they are regarded as primarily a British responsibility.

Mr. GELBER: Have the British ever looked to the United Nations agencies for assistance to Hong Kong?

Mr. MORAN: We give assistance other than food to Hong Kong.

Mr. GELBER: But the British never have looked to the United Nations for that?

Mr. MORAN: I do not know. We do give assistance to Hong Kong under the aid program but not in the form of food. I would have hoped that when Mr. Dinsdale was out there he might have encountered a Miss Moscrop, who is widely known and highly regarded throughout Hong Kong. She was there about four years in social welfare work under the Canadian aid program. I think she has done as much to create a favourable impression of Canada in that area as anyone has accomplished, including our official mission.

Mr. DINSDALE: I did not encounter her. However, I did encounter the former director of the Canadian welfare council, Dr. Cragg, who now is serving as the assistant to the director of welfare for the whole colony.

Mr. MORAN: Yes. I know of him.

Mr. DINSDALE: He is a good representative for Canada.

The CHAIRMAN: Have you a question, Mrs. Konantz?

Mrs. KONANTZ: In answer to Mr. Gelber's question I think that UNICEF has a small office in Hong Kong. However, I do not think it is very active.

Mr. PATTERSON: What was the amount mentioned in respect of the Palestinian refugees?

Mr. MORAN: The sum of \$500,000.

Mr. PATTERSON: Is that all in wheat?

Mr. MORAN: All in wheat.

Mr. PATTERSON: How do they use that? Is it milled there? Could we not send flour?

Mr. MORAN: We could send flour if they requested flour. These countries or agencies request what will meet their requirements, and in the case of Ceylon it is flour, in the case of India it is wheat they want, and we respond to their requests. In the case of UNWRA, they have asked for wheat so we have given them wheat.

Mr. PATTERSON: It seems to me to be advantageous to Canada if we could send as much as possible in the form of flour rather than wheat because we could keep our mills in operation.

Mr. MORAN: It is all flour that goes out now under our bilateral aid programs, except for India and Pakistan which do not want flour.

The CHAIRMAN: Mrs. Konantz and gentlemen, does that conclude the questioning?

Shall item 1 carry?

Item 1 agreed to.

Thank you, Dr. Moran, for your attendance.

If the committee would permit me, may I read to you what I prepared as a possible draft subject to your consideration.

The standing committee on external affairs has the honour to present its third report—

In accordance with its order of reference of July 3, 1964, your committee has considered and approved the following items in the main estimates and the supplementary estimates (A) for 1964-65 relating to the Department of External Affairs: Items numbered 1 to 40 inclusive in the main estimates; items numbered 1a, 10a, 15a, 20a, 30a, and items L12a to L14a inclusive in the supplementary estimates.

A copy of the minutes of proceedings and evidence (Issues No. 30 to 33) is appended.

This is respectfully submitted by your Chairman.

Is there any discussion or comment?

Mr. DINSDALE: Has the steering committee met on this?

The CHAIRMAN: No.

Mr. DINSDALE: Is it not customary for the steering committee to meet?

The CHAIRMAN: As I understand it, there is no compulsion that it meet. We are meeting as a whole committee. This is a rather limited reference of the estimates themselves. If the committee is prepared to approve this report now, we would not be compelled to call a steering committee meeting.

Mr. GELBER: Will there be any further meetings of the committee?

The CHAIRMAN: There may well be but I think with another reference, not this reference. In other words, we would report back to the house on this matter and then be open to any other responsibilities that might be assigned to us.

Mr. MACEWAN: There was some suggestion, Mr. Chairman, although I did not hear it in the committee, that item 1 would be left open, not just for Mr. Moran, but for something in regard to the matter of Cyprus.

Mr. GELBER: The minister has already made a statement on it.

Mr. MACEWAN: I know, but I heard some suggestion that with the dangerous situation in that little island item 1 was to be left open in case of further complications.

Mr. PATTERSON: Item 1 has been carried.

Mr. MACEWAN: Was there a suggestion to that effect?

The CHAIRMAN: You are quite right. This was indeed one of the reasons why item 1 was left open. Now, of course, from day to day we cannot tell how these developments will proceed, but if any member of the committee would be prepared to move a recommendation on the third report at this time, and if he could get a seconder, we could vote on this.

Mr. DINSDALE: Of course, these estimates come before the committee of the whole house so that any further consideration of Cyprus, or problems of a kindred nature, could be raised at that time, I presume.

The CHAIRMAN: I do know the Secretary of State for External Affairs has expressed his appreciation to the committee for its zealous and very faithful attendance. I know that he found it easier to dilate on some of the current problems in Cyprus before this committee than in the House of Commons. Indeed, it was indicated to me that Canada was about the only country where certain questions on Cyprus were in fact raised in parliament, and this, I

think, occasioned some embarrassment to the United Nations operation. I hope there is no feeling on the part of the committee that we are endeavouring to circumscribe or limit an inquiry on this very delicate and very important matter which may be deteriorating even at this moment.

Mr. BROWN: I would move the adoption of this report.

Mr. NOBLE: I second it.

The CHAIRMAN: Does this motion carry?

Motion agreed to.

The CHAIRMAN: Shall I report it to the House?

Some hon. MEMBERS: Agreed.

I thank you all for your very great assistance. I would also like to thank Miss Ballantine and the reporters. The meeting is adjourned.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 34

WEDNESDAY, NOVEMBER 18, 1964

TUESDAY, NOVEMBER 24, 1964

RESPECTING

The subject-matter of Bill C-21, An Act respecting Genocide, and
Bill C-43, An Act to amend the Post Office Act (Hate Literature).

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UNIVERSITY OF TORONTO

WITNESS:

Leonard W. Brockington, Q.C.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Aiken,
Brewin,
Brown
Cadieux (*Terrebonne*),
Cameron (*High Park*),
Cantelon,
Chatterton,
Choquette,
Deachman,
Dinsdale,
Dubé,
Enns,

Fairweather,
Fleming (*Okanagan-
Revelstoke*),
Forest,
Gelber,
Gray,
Herridge,
Jones (Mrs.),
Klein,
Knowles,
Konantz (Mrs.),
Lachance,

Langlois,
Laprise,
Leboe,
MacEwan,
Martineau,
Nixon,
Nugent,
Patterson,
Regan,
Richard—35.

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

ORDERS OF REFERENCE

FRIDAY, October 23, 1964.

Ordered,—That the subject-matter of the following bills be referred to the Standing Committee on External Affairs:

Bill C-21, An Act respecting Genocide.

Bill C-43, An Act to amend the Post Office Act (Hate Literature).

WEDNESDAY, November 18, 1964.

Ordered,—That the names of Messrs. Enns, Fleming (Okanagan-Revelstoke), Nugent and Cantelon be substituted for those of Messrs. Kindt, Loney, Noble and Pugh on the Standing Committee on External Affairs.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

MINUTES OF PROCEEDINGS

WEDNESDAY, November 18, 1964.

(60)

The Standing Committee on External Affairs met at 10:10 a.m. this day. The Chairman, Mr. John R. Matheson, presided.

Members present: Messrs. Brewin, Brown, Cameron (*High Park*), Chatterton, Dinsdale, Gelber, Gray, Jones (Mrs.), Klein, MacEwan, Matheson and Nesbitt—12.

The Chairman asked the Clerk of the Committee to read the Order of the House of Friday, October 23, 1964, referring to the Committee the subject-matter of *Bill C-21, An Act respecting Genocide*, and of *Bill C-43, An Act to amend the Post Office Act (Hate literature)*.

On motion of Mr. Klein, seconded by Mr. Gray,

Resolved,—That witnesses be invited to appear before the Committee in connection with the consideration of the subject-matter referred to the Committee.

The Chairman read a prepared statement relating to the subject-matter of Bills C-21 and C-43.

After discussion, on motion of Mr. Brewin, seconded by Mr. Nesbitt,

Resolved,—That Mr. Leonard Brockington be called to appear before the Committee on Tuesday, November 24th.

Also on motion of Mr. Brewin, seconded by Mr. Brown,

Resolved,—That the Steering Committee be asked to review the whole field of activities of the Committee, and that it be asked to lay down plans for our future activities, a schedule of the witnesses, and to report back to this Committee, and that we be authorized to pay fees to the witnesses who may be called.

Due to the changes in personnel of the Committee, the Chairman was authorized to organize a new sub-committee.

At 10:37 a.m. the Committee adjourned until Tuesday, November 24th, at 10:00 a.m.

TUESDAY, November 24, 1964.

(61)

The Standing Committee on External Affairs met at 10.15 a.m. this date, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Jones and Messrs. Brewin, Choquette, Deachman, Fairweather, Fleming (*Okanagan-Revelstoke*), Forest, Herridge, Klein, Lachance, MacEwan, Matheson, Nesbitt, Nixon, Nugent, Regan and Richard—17.

In attendance: Mr. Leonard W. Brockington, Q.C.

The Chairman presented the tenth report of the subcommittee on agenda and procedure dated November 23, 1964, which recommended as follows:

- (a) That Dr. Charles Hendry, Dean of the School of Social Work, University of Toronto, be invited to appear before the Committee on Thursday, December 3, 1964;

- (b) That the Department of External Affairs be asked to prepare a brief for study by the Committee dealing with group libel legislation in certain other countries and with developments at the United Nations in this field;
- (c) That the Chairman recommend to Mr. Speaker that a per diem sum of \$50.00 be paid to professional and/or expert witnesses from outside the Public Service, duly summoned before the Committee, plus living and travelling expenses.

On motion of Mr. Regan, seconded by Mr. Forest, the report was approved.

The Committee resumed consideration of the subject matter of Bill C-21, An Act respecting Genocide, and C-43, an Act to amend the Post Office Act (Hate Literature).

The Chairman introduced Mr. Brockington who made a statement on human rights and personal freedom.

The witness tabled a copy of a speech delivered in the British House of Commons on April 17, 1833, on the subject of civil disabilities of the Jews, which the Committee directed be included as an appendix to today's Proceedings. (See Appendix A.)

Mr. Brockington also filed as an exhibit a publication entitled *The Race Question in Modern Science*. (Note: Members of the Committee may obtain this book on loan from the Clerk of the Committee.)

At 11.30 a.m. the Committee took recess.

The Committee resuming, the witness was questioned.

On motion of Mr. Choquette, seconded by Mr. Herridge,

Resolved,—That copies of this day's Proceedings containing the testimony of Mr. Brockington be sent to every French and English newspaper in Canada, if possible.

The Chairman thanked Mr. Brockington on behalf of the Committee for the statement he had made.

At 12.50 p.m. the Committee adjourned until 10.30 a.m., Thursday, December 3, 1964.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

WEDNESDAY, November 18, 1964.

The CHAIRMAN: Mrs. Jones and gentlemen, I see a quorum. May I first ask that we have read to us the order of reference respecting Bills No. C-21 and No. C-43.

The CLERK OF THE COMMITTEE:

FRIDAY, October 23, 1964.

Ordered that the subject matter of the following bills be referred to the standing committee on external affairs.

Bill C-21, an act respecting genocide.

Bill C-43, an act to amend the Post Office Act (Hate Literature).

The CHAIRMAN: May I have a motion that this committee pursuant to the order of reference invite witnesses to be called?

Mr. KLEIN: I so move, Mr. Chairman.

Mr. GRAY: I second the motion.

The CHAIRMAN: It has been moved by Mr. Klein and seconded by Mr. Gray. Are you ready for the question?

Motion agreed to.

Ladies and gentlemen, we have before us for consideration the subject matter of Bill No. C-21, Mr. Klein's bill respecting genocide, and Bill No. C-43, Mr. Orlikow's bill to amend the Post Office Act (Hate Literature). I believe that this is the first time that any nation has studied in parliamentary committee the scourge of all centuries—hate.

Bill No. C-21, known as the Klein-Walker bill preoccupies itself with the subject of the crime of genocide, also incitement to genocide and finally group libel; that is, the publishing by words or otherwise of statements likely to injure a national, ethnic, racial or religious group as such by exposing such group to hatred, contempt, or ridicule.

Bill No. C-43, introduced by Mr. Orlikow, proposes to deny the use of Her Majesty's mails to persons who disseminate hate literature through those mails, and hate literature is anything that is calculated to bring into hatred, ridicule or contempt any persons or group of persons by reason of race, national origin, colour or religion. The effect of Mr. Orlikow's amendment to the Post Office Act is to deny the use of the mails, but not to create a criminal offence.

Since it is the subject matter of these somewhat similar bills that are before us, our real study is the anatomy of hate.

Every member of this committee is cognizant of the fact that the Department of Justice is independently, through a small, specialized committee, studying the legal aspects of this problem. No doubt we shall be hearing from them in the course of our own deliberations.

Members of this standing committee on external affairs may ask why these two private bills have been referred to this standing committee. The preamble to the genocide bill—Bill No. C-21—indicates its purpose is "to give effect to the convention on genocide approved and ratified by both houses of parliament in March, 1952". The subject of genocide first came before the general assembly of the United Nations shortly after the last war. There emerged

a strong desire by many countries to make it clear beyond all possible doubt that the killing of a people whether in wartime or peacetime was an international crime. The Secretary of State for External Affairs or some senior deputy of the department will wish in due course to present a somewhat detailed and technical report on United Nations activities in this regard since 1952, and comment on the Canadian part heretofore in these discussions.

Bill No. C-21 also deals with subjects covered by the declaration on the elimination of all forms of racial discrimination which was adopted unanimously by the United Nations general assembly of 1963. The most important features of the declaration are its provisions that: "(a) all propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned; (b) all incitement to or acts of violence whether by individuals or organizations against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law."

At its last session in March, 1964, the Human Rights Commission instructed a working group of which Canada was a member to prepare a draft declaration on the elimination of all forms of religious intolerance, using as a basis for its discussion a text submitted by the United Nations subcommission of prevention of discrimination and protection of minorities.

There is another aspect to this which is of an international sense and related to what we are doing about it, and it is that there is group libel legislation now on the books of other democratic countries such as India, Switzerland, Sweden, Norway, the Netherlands, Italy, Greece, West Germany, Denmark, and Austria.

But as I understand it, although there are international implications in Mr. Klein's Bill No. C-21 as well as Mr. Orlikow's Bill No. C-43 which may render necessary intervention with foreign countries to assist in ridding the mails of the pestilence of hate literature when emanating from such foreign countries, the chief burden of our task will be to assess this evil of hate between different ethnic national and religious communities within our own country.

I would respectfully suggest that as a committee we call before us some of the most eminent Canadians available to help us in our task, from the ranks of sociology, the churches, psychiatry, the law, as well as representatives of various interested groups who knows something of this problem of hate.

Already, your Chairman, since this matter has been referred to this committee, has received quite a bit of correspondence on this subject, which will be available to the steering committee, and also a little hate literature directed to the Chairman.

While the study does not have to be a protracted one, I suggest that we should be able to make it thoroughly meaningful. We do not have to be rushed. I hope we will not think that we are under any compulsion as we were regarding the Columbia river problem when we had to meet a time deadline.

I have received suggestions from members of the committee which I shall take up with the steering committee after this meeting. But may I obtain the approval of this full committee to invite Mr. Leonard Brockington to be with us on the morning, and if necessary, on the afternoon of November 24 next. He will be available then.

Mr. NESBITT: What day of the week is that?

The CHAIRMAN: That is on a Tuesday. He has to be at the United Nations in New York, and then at Quebec city, and then out west, and then in England;

but he would like to accommodate us on November 24 if we extend an invitation to him. This was a suggestion which came to us quite early. I am sure he will have something worth while to contribute.

In conclusion I would like to cite Eleanor Roosevelt, one of the leading advocates of progress in human rights of our time who once asked: "Where after all do universal rights begin?" And she answered her own question by saying: "In small places close to home, so close and so small that they cannot be seen on any map of the world—they are the world of the individual person".

Does any member of the committee wish to make a motion with respect to Mr. Brockington?

Mr. NESBITT: Mr. Chairman, before we do this, there are one or two things I must say to the committee in my capacity as Vice Chairman. In the first place, I very much wonder why this committee was chosen as a vehicle for this study. Mr. Chairman, you have outlined a number of reasons. I think my view is a little tenuous as to why this matter has been referred to us, or why these two bills have been referred to this committee for study. In my view this is perhaps a little like referring a feed grain problem to the veterans affairs committee. I can see that there are some international implications in the United Nations context, although I can think of very few subjects which are not discussed by the United Nations from time to time. However, it would seem to me that this committee is not the vehicle for a study of this very important subject indeed. I would rather have seen a special committee appointed by the house, or, perhaps even better, a joint committee of the two houses appointed to go into the study of this important matter, because as you mentioned yourself, it involves certainly the department of the Post-master General.

Mr. GELBER: Mr. Chairman, on a point of order, I do not wish to disagree with the Vice Chairman, but this is a decision of the house and I do not see what is to be gained in pursuing the question here.

Mr. NESBITT: Regardless of Mr. Gelber's objection, I have some observations to make and I intend to make them.

Mr. GELBER: Mr. Chairman, may I have a ruling on the point?

The CHAIRMAN: I certainly do not want to cut off my friend and colleague the Vice Chairman on any points he wishes to make. Frankly speaking, it surprised me when this subject was referred to our committee. I did not know about it. It was only after I looked into it a bit however that it seemed to me to make good sense. I am delighted, because I cannot think of a more important problem that could be referred to such an elite committee as this standing committee on external affairs. Of course, I am not referring to the Chairman, and perhaps the Vice Chairman in all modesty would even dismiss it; but it is a fact that for a good many years the standing committee on external affairs has been composed of some of the most able members of the House of Commons. I think this indicates the earnest concern of the government, and the importance which it attaches to these bills produced by our colleague, Messrs. Klein and Orlikow.

Mr. NESBITT: Whether or not Mr. Gelber likes it, my remarks are simply a preamble to some other points which are very germane.

Mr. GELBER: Mr. Chairman, I raised a point of order. I am not supporting you or disagreeing with the Vice Chairman. I just made the suggestion that the discussion is not in order because this matter has already been decided upon by the house. I might agree with the Vice Chairman, or with you, but I do not think it is relevant to our discussion. This subject matter has been referred to us, and unless the Vice Chairman wishes to make a motion to refer it back to the house, I think we should go on with our business.

Mr. NESBITT: My remarks were of a preambulatory nature, and if only Mr. Gelber would contain himself, I would like to proceed.

The CHAIRMAN: I do not want to cut off the Vice Chairman.

Mr. GELBER: Neither do I, but I think we should get along with our work.

The CHAIRMAN: I gather that Mr. Nesbitt's remarks are not directed to the end that we do not resume discussion, but are simply a basis upon which he wishes to make a further comment with respect to our deliberations.

Mr. NESBITT: That is it exactly, and if Mr. Gelber will permit me, I would proceed to them. May I say in summary, as a preamble to the remarks I want to make, that I feel this whole subject would have been better referred to a special committee, or a joint committee of the Senate and the House of Commons, because it is a very important matter. I think such a committee would have been better qualified to deal with it. But as the house has chosen to refer it to us, here we have it in our laps.

Before we start to call witnesses, I think we should decide either here or preferably in a meeting of the steering committee just where we are going in this committee, and what we propose to do, because as you have mentioned, the Department of Justice, or the Minister of Justice, has a very technical specialized group working on it, which is going to try to draft some amendments to the Criminal Code, and these may come to us for consideration in due course.

No doubt the Postmaster General also has some ideas on the subject. And while it would certainly be most interesting to hear from a number of psychiatrists, social workers, jurists and others like Mr. Brockington, discussing hate in general. I think we ought to have some idea of how we are going to deal with this subject, where we are going, and what we intend to do. At the moment it seems to me somewhat nebulous to say the least. I am sure, Mr. Chairman, you would not want to have the impression created abroad in your capacity as Chairman that this committee was just sitting to listen to observations on the subject of motivation of hate without seriously attempting to do anything about it.

In other words, we would not want to create the impression that this is some kind of a propaganda hoax. I think it would be better, if I may suggest it, to get a steering committee appointed. I understand a number of parties represented on the committee intend to make some changes in their personnel on this committee, so we might have a meeting of the steering committee and come to some decision on how we intend to deal with the subject, where we intend to go, and then consider what witnesses we might call.

I have no objection to listening to Mr. Brockington, for he is one of the most interesting people I know of. But I wonder for what reason we are calling him. Perhaps you might enlighten us in this regard.

The CHAIRMAN: I think that all the members who have been interested in external affairs for some years are cognizant of the contribution that Mr. Brockington has made during successive ministries both Liberal and Progressive Conservative in this area not only in Canada but also outside of Canada. I do not know where the suggestion came from in the first place.

Mr. NESBITT: Perhaps you saw it in the press.

An hon. MEMBER: Perhaps it came from Queens.

The CHAIRMAN: I think there are many universities in the world which claim a chunk of Leonard Brockington. But perhaps Queens has a specific feeling for him.

Mr. CHATTERTON: Many members of the house, like myself, were not aware of the fact that this matter had been referred to this committee. I suggest that we be permitted to take the matter to our caucuses, so that those people who are

particularly interested in it may have an opportunity to be appointed as members of this committee.

The CHAIRMAN: I think that is a very useful suggestion. If there is any member of the committee who does not have his full heart and enthusiasm in this subject matter, then perhaps he would be doing a service not only to himself but to the committee to see to it that someone else was appointed in his place as a member of the committee and given a chance to participate more actively in our work. I am sure there will be changes made, because to some extent this committee at the moment is still a reflection of the special engineering and economic interest in the commons, when we were preoccupied with a reference to us of the problem of the Columbia river.

Mr. BREWIN: What I propose to do is to make two motions; the first will be to call Mr. Brockington on Tuesday.

The CHAIRMAN: That would be Tuesday, November 24, 1964.

Mr. BREWIN: I would be glad to do that. I personally admire Mr. Brockington, but I do not know if this is a subject in which he is particularly qualified. However if the Chairman assures me that he is, and if Mr. Brockington is ready to appear, I am sure he would have something to say in advance to the committee, and I think it would be worth while to call him. Then I would also move that the steering committee be asked to review the whole course of proceedings, the items we should take up, possibly the order of taking them up, and the witnesses available. I think there is a danger involved in too broad a search into all these psychiatric and other aspects of the problems. I admit it would be valuable for someone to give us such a background, and I think it would be useful that we have the most highly qualified witnesses who would confine themselves to the problem which has been given to us by this parliament, and thereby make a useful contribution. I think the steering committee has a very big task to review the wide field, and come up with proposals which would be not too devious, but which would still be valuable. So I propose that these motions be passed. I would move first of all that Mr. Brockington be called as a witness on Tuesday.

The CHAIRMAN: Do I have a seconder?

Mr. NESBITT: I second the motion.

The CHAIRMAN: It has been moved by Mr. Brewin and seconded by Mr. Nesbitt. Are we ready for the question?

Motion agreed to.

May I ask at this point that you proceed with your second motion, and that you would be good enough to include the words "that the witnesses be paid reasonable living expenses, and travelling expenses as well as a per diem allowance in connection with their appearances before the committee"?

Mr. BREWIN: I suggest that one of my colleagues be appointed to the committee. I move that the steering committee be asked to review the whole field of activities of the committee, and that it be asked to lay down plans for our future activities, a schedule of the witnesses, and to report back to this committee, and that we be authorized to pay fees to the witnesses who may be called.

Mr. BROWN: I second the motion.

Mr. GELBER: I agree with Mr. Brewin. I think we have to have a clear idea of our objectives, and when I say objectives, I do not think we have to have a specific document to which we must adhere; but there is a danger of inviting people who have well known views about this subject, but who are not going to bring us any closer to it in our study. Their views might be of value, of course. We have a recommendation that we meet to bring in a report,

and I think we must be very precise in how we proceed. I hope that the steering committee will give a great deal of thought to it and will call witnesses who are going to help us along the road which is projected.

Mr. NESBITT: I agree with Mr. Gelber this time very much; and I would like to suggest that in view of the fact that a number of parties represented on this committee will no doubt, as you mentioned, wish to change their personnel—Mr. Chatterton also brought the matter up—and that this morning most of the parties hold their caucuses, this matter might be discussed therein, and appropriate changes made, and that these changes could be made right away. We might well have a meeting of the steering committee to work on the suggestions made by Mr. Brewin and Mr. Gelber.

The CHAIRMAN: By the way, I think these comments respecting our proceedings are extremely useful because the steering committee will be meeting following this meeting in a few moments, and I think anything you might say now will be of help.

Mr. GRAY: I wish to say in support of the motion before us that actually our subject matter is not quite as broad as it may appear, because we are limited more than you might think to the terms of the order of reference which calls upon us to study and report on the subject matter of specific bills; in other words, not only the broad topic of the dissemination of hate against a group, but also the matters dealt with in these bills, and their legislative acceptance. Therefore, in reviewing the situations which are inherent in the orders of reference, there are limitations which may be narrower than it may appear on the surface. Our committee, therefore, has not only to work out a procedure in the steering committee, but also to carry out the business of this committee in an orderly fashion, or in a way which does reflect an orderly approach to the study, and moreover, to accomplish this within a reasonable period of time, and to come up with some specific recommendations. These might well be made in the form of a report on the bills as such, and in my opinion they might come quite close to that type of report. I hope, therefore, that the type of witnesses we have available will be people who have some knowledge of the constitutional aspects of this type of thing as well as the problems involved in applying it to this type of legislation; and I also wish to say that I hope that the tone of the discussion here today does not reflect any lack of appreciation of the seriousness of the topic by all concerned, because even though some members may have doubts about whether this particular committee should tackle this study, it is a reference which has been given to us by the House of Commons to be carried out.

The CHAIRMAN: Thank you.

Mr. DINSDALE: Should we not proceed to appoint the members of the steering committee?

Mr. NESBITT: I suggest that we hold off the next steering committee meeting for a while because various parties represented here may be at their caucuses wish to make some adjustments in the members of the committee, and this would have great effect on the choice of a steering committee.

The CHAIRMAN: That is a good suggestion. I suggest that we concur that it be held off until at least this afternoon. The persons originally named to this steering committee currently are: Mr. Stuart Fleming (Okanagan-Revelstoke) but he is no longer on our committee and we shall have to have a replacement for Mr. Fleming; then Mr. Herridge; and I have received a communication from Mr. Stanley Knowles of the New Democratic party to the effect that Mr. Brewin replaces Mr. Herridge for their party; then Mr. Nesbitt, as Vice Chairman; Mr. Patterson of the Social Credit party; and Mr. Plourde who

is no longer on the committee; and Mr. Turner who is no longer on the committee. So I believe that Mr. Klein will be prepared to act, unless there is any objection from any member of the committee. He has a deep interest in this whole problem and has certainly been very helpful to the chairman in introducing to him a number of persons who have been keen and who have shown a very real interest in this general problem. I think he would be a very useful member from the Liberal side, but we need some help from the Conservative party, from the Social Credit party and from the Ralliement des Creditistes. Would it be agreeable that your chairman constitute a new steering committee after conference with the party whips either today or as soon after as may be convenient? We will then adjourn until Tuesday the 24th of November.

Mr. BREWIN: This is a matter of formality. Was my motion accepted? Is this the good sense of the meeting? This is a dangerous precedent.

The CHAIRMAN: I understand Mr. Brewin's motion was unanimously adopted. The meeting is adjourned.

TUESDAY, November 24, 1964.

The CHAIRMAN: Lady and gentlemen, we have a quorum. May I invite the committee's attention to the consideration of the subject matter of bills C-21 and C-43.

We have here a report of the steering committee, as follows:

Your subcommittee on agenda and procedure met on November 23, 1964, and agreed to recommend as follows:

- (a) That Dr. Charles Hendry, dean of the school of social work, University of Toronto, be invited to appear before the committee on Thursday, December 3, 1964;
- (b) That the Department of External Affairs be asked to prepare a brief for study by the committee dealing with group libel legislation in other countries and with developments at the United Nations in this field;
- (c) That the chairman recommend to Mr. Speaker that a per diem sum of \$50.00 be paid to professional and/or expert witnesses from outside the public service, duly summoned before the committee, plus living and travelling expenses.

The CHAIRMAN: Could I have a motion to approve this report.

Mr. REGAN: I so move.

Mr. KLEIN: I second the motion.

Motion agreed to.

The CHAIRMAN: Now, ladies and gentlemen, it is my pleasure to present to the committee someone who is no stranger. May I introduce to you Mr. Leonard W. Brockington, Q.C. He was born in Wales. He was a graduate of the University of Wales with high honours in Latin and Greek. He was for four years a schoolmaster in an English Grammar School teaching English and Classics. Mr. Brockington came to Canada in 1912. He was for a brief time a journalist and subsequently civic servant in Edmonton and then a civil servant in Calgary, where he afterwards studied law and served his articles in the office of the late Viscount Bennett.

I am sure that those of you who know Mr. Brockington's reputation will realize how sketchy I am in this brief summary. Mr. Brockington is an honorary member of the Canadian Bar Association, an honorary member of the American Bar Association and an honorary member of the New York Bar

Association. He has been the recipient of many honorary degrees in Canada, the United States and Great Britain. He is an honorary bencher of the Inner Temple, London. He was the first chairman of the C.B.C. and after the war was given the C.M.G. for his services in war time. Mr. Brockington has sat on many conciliation boards and commissions. He served for two terms of three years each on the Canada Council and after his retirement was awarded the Canada Council medal for his work in the Humanities during his long life in Canada. Permit me to state that Mr. Brockington has been rector of Queen's University for six consecutive periods of three years each. He was in each instance elected unanimously and his length of service is unique in the history of that institution.

Mr. Brockington has spoken of Canada and her people and on international matters in most cities in England, Scotland and Wales, in all the cities of Australia and New Zealand, in India, Pakistan, Berlin and Athens, and in most of the leading cities of the United States and at many American Universities. During the war and since he has been a frequent speaker on most of the English-speaking networks in the world. He led the Canadian delegation to UNESCO in Delhi. He chaired an important committee to the United Nations. He has spent some time in the Middle East for UNRWA in order to examine the education problem of Arab refugees.

I will now give you Mr. Brockington, who will present certain introductory remarks. I hope these remarks will not be too short. After his opening remarks I would invite members of the committee to put questions to him, after which we would ask Mr. Brockington to bring his submission to some sort of a conclusion.

MR. LEONARD W. BROCKINGTON, Q.C.: Mr. Chairman, ladies and gentlemen of the committee, thank you very much for the honour of your invitation.

I may say that I accepted your invitation with reluctance and I appear before you with diffidence. Really I have no expert knowledge of the matters you are discussing. I am a fair example of "nobody in particular". I must say when I listened to Mr. Matheson's introduction I was reminded of the famous occasion when there was a large funeral procession on its way to St. Paul's cathedral. One bystander said to another: "This looks like some important person; who is he?" The other fellow said: "I don't know, but I think it's the gentleman underneath the flowers." Mr. Matheson is prejudiced—prejudiced in my favour for he too is a Trustee of Queen's University. I have only one qualification for being here. I am probably the oldest witness who will appear before you and my memory goes back to a number of things which many people may never have known and many may have forgotten. But, I suppose it is not a bad idea, in spite of my shortcomings, to have an ordinary citizen of Canada talk to you in the beginning before you hear from the company of experts and famous clerics, psychologists and lawyers, in whose company I do not belong.

I want to thank you for the informality which you have shown in allowing me to sit down. Sometimes when I am fiddling with a few notes I think of a remark made by Mayor James Walker of New York, when he said that an impromptu speech is not worth the paper it is written on. By way of digression I recall the time when the same Mayor Walker addressed the Canadian Club in Ottawa. He began by saying "This is not the first occasion when the names of Walker and Canadian Club have been linked in congenial and convivial associations."

If I am asked questions I may have a few observations to make about the possibility of making new laws or amending old ones. I want to say that it has been a long time since I had anything to do with trying to enlighten the obscurity of draftsmanship. I have not read a law book for some time. I recall

however what was said once, that the average law book is chaos with an index; I think you will agree, after I have spoken, that chaos will remain and alas! there will be no index.

May I make a few personal remarks? I am really a very old man and, at the moment, as I tell my friends, there is a continual conflict between my dotage and my anecdotage, and God knows which will prevail. I always have been an optimist, and when I lived in the west I looked upon optimism as a form of courage and pessimism as a form of cowardice, although sometimes pessimism can be an example of even greater courage. I remember that during the First War, when someone told Mr. Asquith that General French, the first Commander of the British forces in Europe, was an optimist, Asquith replied, "It is a good thing to have an optimist at the front, as long as you have a pessimist at the rear!"

I was born in a little Celtic country, which has been involved in many fights and has had a few troubles of her own. Once when I was a young man of 20 years, I went to a university convocation which was addressed by David Lloyd George. At that time, he was a fervent crusader against all forms of poverty and distress. He took his place in those days with Churchill as one of the great reformers and the founders of a state, which has become known as the welfare state. At that convocation I remember that the students removed the horses from his carriage and drew him around the town in triumph. He made a speech. It was he who referred to anti-Semitism as the greatest wickedness that had savaged the relations of the human race. On the occasion to which I refer he spoke these words to his young fellow-graduates: "You are about to go into the world to represent a small nation; always remember that the world has been very hard upon small nations." Perhaps my interest in some of the subjects you are undertaking is because my own native land has always been on the side of the underdog. In the days when Ireland was struggling for home rule, every Member of Parliament from Wales was pledged to support it.

It has always had a great sympathy for the Jewish people. In the days of India's struggle for independence the citizens of my ancestral land were on her side. I am happy to see the High Commissioner for India in this room. One of the most joyous and yet one of the saddest experiences in my life was the occasion of a visit to that wonderful country.

I like to think that it is my native land which every year sends a message from the children of Wales to the children of the world, wherein they speak of peace, understanding, brotherhood and sisterhood. I like to think of the little town of Llangollen in Wales where, every year, there is a miniature festival where people from many countries come to dance and sing. No international curtains keep out the sunshine that should shine on all peoples. This is one of the finest festivals in the world.

My father was an Englishman and my mother spoke Welsh. One of the most interesting sights in Wales is Offas Dyke which was once built by the Saxons. This fortification stretched from the north of Wales to the south of Wales. It was built by my father's ancestors to stop the ancestors of my quiet, saintly mother from ravaging England. I like to recall that today those fortifications are covered with the reconciling mercy of the green grass. Would that all memories of all ancient conflicts were thus hallowed and transmuted by the alchemy of Time!

My mother could have talked to Jacques Cartier, had she ever met him, because they both spoke the same Celtic language. I believe that no country in the world ever had such a sanctified beginning as Canada had, for we trace our origin to the wooden cross erected on the Gaspé Peninsula. It was the first structure ever erected by the hands of a white man on the North American continent. What a pity that it has not been able to defy the rusts and ravages

of time and that it does not remain to inspire us and, in fact, all men in these restless, doubting and troubled days. I do not think that many people realize how old our country is. That cross was erected about 70 years before Queen Elizabeth I died and therefore long before there was a United Kingdom. It was built 187 years before the dome was put on St. Paul's Cathedral. Its memory still remains in our history as a lasting monument to the glory of God and no land has been so sanctified by such a sacred monument to mark its far beginning.

I have a few other qualifications about which I wish to speak. Throughout my life I often have listened as you have to what the poet called "the still, sad music of humanity". Throughout the ages there have been peoples whose tears have fallen upon the centuries years. And how often it is that the still, sad music of humanity has been a Hebrew melody, a Celtic lament or a negro spiritual.

I number a great many of the Jewish race amongst my friends and I am proud and happy to do so. I used to have many friends amongst the native Indians of Western Canada. I have visited the Eskimos. I have talked in New Caledonia (which must be distinguished from Nova Scotia) with a man who had been a cannibal and waited on me at a primitive lunch. I have been amongst the aborigines of Australia and witnessed some of their physical skills and the blossoming of their art. As Mr. Matheson has told you, I spent some time with the Arab refugees in the Lebanon, Jordan, Syria and the Gaza Strip. When I was a schoolmaster in England, I spent a part of my holidays with the Inspector of Cruelty to Children and I saw something of the abject poverty and filth of those who lived in the slums of Britain. I have seen such a remarkable change in my native land and in some other places and the cleansing of conditions which once appeared hopeless amongst people who were helpless.

I read the other day, I think it was in a Life of Charles Dickens, a sentence that I believe was first applied to the good Lord Shaftesbury, the great social reformer. It said that "the Good Lord had given him a permanent retainer against all forms of cruelty and oppression". I like to think of Canada as a country with a permanent retainer given by the Good Lord against all forms of cruelty and oppression. I have been in countries where partition has brought sorrow. I have seen the working of partition in the Middle East. I have been in India and have seen the partition between Pakistan and India. I have been in Ireland and seen the partition between the north and the south. They are all the results of artificial divisions. One would hope that they will be only temporary if they cannot be accepted as permanent solutions. They were perhaps brought into being sometimes with the best of intentions but they have contributed a very great deal to the permanence of national and racial hatred.

I believe, Mr. Chairman, that all members of this Committee and indeed all Canadians are pledged to promote national and international goodwill. If I were preaching a sermon, which I am not fit to do, there is no better text than one I saw in a column of the *London Times* the day before yesterday. It comes from St. Paul's Epistle to the Ephesians and these are its words:

Let bitterness, and wrath and anger . . .
and evil speaking, be put away from you,
with all malice.

It is a sanction of our own admirable Bill of Rights, which is a sort of Canadian Magna Carta and a statutory justification, in my opinion, for our existence as a multi-racial society. It is a sort of national benediction and it represents at least the best motives of our civilization. The Bill of Rights, of course, is not a perfect document, I am sure, and yet it marks a great step forward. I am

glad to think that its provisions are observed as well as they can be and that they certainly are part of the creed of the ladies and gentlemen I see before me.

Everyone here has lived to see what Ruskin called "the myriad-handed murder of multitudes," and the world threatened to be stamped with what someone called "the brand of the universal Cain".

Most of us have come to this country from other lands. Everyone in Canada, including our Eskimos and Indians, once were immigrants. Therefore, all of us are immigrants or the descendants of immigrants. I often have said that the test of a good immigrant is his son. All of us have seen in our lifetime "day by day the landscape grow more familiar to the stranger's child". I know that I am very happy to think that my Highland wife and myself came to this country as the land of our choice. Our grandchildren have become a mixture of English, Scots, Irish, Welsh, French and Dutch. In other words, they are typically Canadian.

I remember speaking to the Board of Trade of Ottawa on its 100th anniversary. I told my audience that I came over in 1912, which was the year of our greatest immigration—well over 400,000. We went west in a colonist car. We were not able to see Ottawa because we passed through in the darkness and the blinds were drawn. Most of those on the train were from Galicia and Ruthenia and other places since swallowed up by the imperialism of Communist Russia. The men on the train wore sheepskin coats and the women shawls over their heads. I remember saying that I thought they were the most outlandish people I ever saw. But, today it is very salutary and uplifting that you cannot tell their grandchildren from mine. They talk with the same accents; they have the same loyalties, and they look the same. I have seen all of these things happen in my life. Who are the people who were immigrants to our country since the war and even before that? Many of the immigrants came to escape the darkness of tyranny and found themselves, especially since the war, in the brilliant sunshine of freedom, welcome but sometimes blinding.

I always like to remind my fellow citizens that our two great motherlands really have done more throughout the ages in the enfranchisement of the human mind, in the spread of the doctrines of freedom, and in welcoming the persecuted than any two nations which ever existed in this world. Even during the war and since, anyone fleeing from persecution, religious, political or otherwise, was given a generous welcome in France or in Britain, and I know how much my own native islands owe to the people who came from other lands.

Nearly every great country in the world is multi-racial. When the Saxons landed in England, the Britons were far more civilized than they had been when the Romans first landed under Julius Caesar, for they had lived with and inter-married with the Romans for over 400 years, which is the distance of time between the first Elizabeth and the second. Every resident of the British Isles, who has eyes to see and to read, knows how much Britain owes to that wonderful race, the Normans, probably the ablest small group of people in the history of the world. After them came the Flemings, the Huguenots, the Jews and the Italians and many other men of gifted European races. Some of them came seeking refuge from tyranny and oppression.

We, too, had great waves of immigrants, adventurous, seeking new horizons of hope and happiness. Many of them came also seeking refuge from tyranny and oppression and the grinding and dark Satanic mills of poverty and economic hopelessness. No one can estimate how much we owe to the men and women from the Highland hills and dales who had been evicted from their homes. We had the Irish who came after the tragedy of the Great Famine, and the Jews fleeing from persecution. Whenever I think of them I cannot help but feel that it took a long time to blot out from their minds the memories of the past, from which racial hatred had its monstrous birth.

On one occasion during the war, a famous British statesman was speaking to me about some of the anti-British feeling in the United States. I reminded him of the last words spoken by Grattan (not the Senator) when he was a member of the British House of Commons, when he said: "What you trample on in Europe will sting you in America." Canada is perhaps in many ways the greatest experiment in human brotherhood. All great races are multi-racial. Our country has been a magnificent adventure in brotherhood and reconciliation. I remember a remark of Emerson, when he said that "North America is God's charity." To my mind, he meant exactly what I mean when I refer to our own magnificent adventure. We began with shining examples of tolerance, which some of us have forgotten. I remember reading how in the early days when Quebec was New France, it had the most wonderful nurses in the whole world because the nursing profession had been further advanced in France than in any other country in the world. After the war between the English and French the Quebec sisters of Mercy and Charity nursed foe and friend alike with tenderness and devotion. I have seen it stated either by Professor Wrong or Professor Creighton, that nothing made the initial possibility of good will between the races more certain than the compassion and skill of the French speaking nurses. As I have said, they nursed friend and foe alike because they were brave men stricken with pain.

The Quebec Act was passed in 1774. You will recall the oath which Catholics had to take in Britain, when they were excluded from participation in public life. Then, there was the prohibited ownership by the Catholic church of land and other property. All these prohibitions and other disabilities were excluded, as they properly were, from the Quebec Act. That oath which the Catholics had to take was never enforced in Canada, notwithstanding that was the prevailing law in England at the time. I have read somewhere that in Upper Canada the restrictions against Catholics in matters of equal rights with Protestants never were enforced, notwithstanding the fact that they might and could have been in Upper Canada. Who will forget the fact that in 1832, some 38 years before it was done in Britain, Jews were enfranchised, one Ezekiel Hart was allowed to take his seat in the provincial legislature, notwithstanding the fact he had been barred by adverse laws. Louis Joseph Papineau removed that shackle from persecuted people.

While I am talking about Ezekiel Hart I propose to put two exhibits before this committee. One is a speech. It is the speech made by Lord Macaulay in the British House of Commons, when the Jews were given complete civil rights. I would like to read the peroration of that speech before I go on. I will put the whole speech in the record, but as I say, I would like to read a quotation from it.

The CHAIRMAN: Would it be agreeable if the whole speech was made part of the record as an appendix to today's proceedings?

Some hon. MEMBERS: Agreed.

Mr. BROCKINGTON: I hope you do not mind if I read part of this. One of the noblest utterances in the history of any assembly changed the vote in the House of Commons and, by one glorious ending, Jews were given complete rights and enjoyed the same rights in Britain as ordinary citizens. Thus spoke the great historian.

Nobody knows better than my hon. friend, the member for the University of Oxford, that there is nothing in their national character which unfits them for the highest duties of citizens. He knows that, in the infancy of civilization, when our island was as savage as New Guinea, when letters and arts were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this condemned people had their fenced cities and cedar palaces, their

splendid temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians and their poets.

What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation ever, in its last agonies, gave such signal proofs of what may be accomplished by a brave despair? And if, in the course of many centuries, the oppressed descendants of warriors and sages have degenerated from the qualities of their fathers, if while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of slaves, shall we consider this as matter of reproach to them? Shall we not rather consider it as matter of shame and remorse to ourselves? Let us do justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this, let us not presume to say that there is no genius among the countrymen of Isaiah, no heroism among the descendants of Maccabees. Sir, in supporting the motion of my honourable friend, I am, I firmly believe, supporting the honour and the interests of the christian religion. I should think that I insulted that religion if I said that it cannot stand unaided by intolerant laws. Without such laws it was established, and without such laws it may be maintained. It triumphed over the superstitions of the most refined and of the most savage nations, over the graceful mythology of Greece and the bloody idolatry of the northern forests. It prevailed over the power and policy of the Roman empire. It tamed the barbarians by whom that empire was overthrown. But all these victories were gained not by the help of intolerance, but in spite of the opposition of intolerance. The whole history of Christianity proves that she has little indeed to fear from persecution as a foe, but much to fear from persecution as an ally. May she long continue to bless our country with her benignant influence, strong in her sublime philosophy, strong in her spotless morality, strong in those internal and external evidences to which the most powerful and comprehensive of human intellects have yielded assent, the last solace of those who have outlived every earthly hope, the last restraint of those who are raised above every earthly fear. But, let not us, mistaking her character and her interests, fight the battle of truth with the weapons of error, and endeavour to support by oppression that religion which first taught the human race the great lesson of universal charity.

Now those are a few golden words of Lord Macaulay. I would like now to give you a few of my own memories. Perhaps they are just a little tapestry of sentiment. If they are, I would like to tell you what was once said to me by an eminent scholar, schoolmaster, ambassador and member of the staff of our External Affairs Department, Dr. Terry McDermott. He once said to me "How great is the power of sentiment and how utterly insignificant the most momentous facts can be without it." Sentiment has been used in support of virtue by many of the greatest men in history, including Sir Winston Churchill.

Little things can be the great things sometimes. I remember Mr. Bennett telling me many years ago one of his recollections when Canada was setting up the War Graves Commission and creating the lovely Canadian cemeteries in France. I was glad to see that Prime Minister Pearson knew this story and recalled it in the House of Commons a few weeks ago. The mothers of Canadian soldiers were asked to contribute inscriptions. I remember how moved Mr. Bennett was, and I think everyone else was, when the mother of a V.C. was

asked for the inscription on her son's grave. She chose these words: "How blessed it is for brethren to dwell together in unity."

I remember also when Mr. Bennett (as he then was) was at General Currie's headquarters in France. He told me how he had sat between two officers in Canadian uniforms. On his right was the grandson of Lord Durham, and the other man on his left was one who, I have often been told, was the most wonderful young Canadian of his day who would almost certainly have been a prime minister of Canada, if only he had not fallen on the field of battle. His name was Talbot Papineau, grandson of Louis Joseph Papineau. I remember also a few weeks before the war broke, I was in London as chairman of the C.B.C. On my way home I picked up a Regina paper at Canada House. This was when the world was riven by hate and persecution. The prison camps and the gas chambers were beginning to close around the tragic children of Israel. But, in the Regina paper it gave a story of a Jewish family who had landed in Saskatchewan to take up 160 acres of land. They were fleeing from Germany, but when they got to their Western Canadian home, they found that their neighbours, Russians, Germans, English, Scots, Irish and native-born Canadians had broken 30 acres of land as a free gift of welcome to the Jews fleeing from the wicked wrath to come. I never felt more proud of the motherland of my children. I remember once a dinner in London at which the celebrated American poet, Mr. Archie MacLeish was present and a few members of the British cabinet and other people. Mr. MacLeish said: "You know, in North America we have a number of virtues, but we have one besetting vice. When anything goes wrong we always look for a goat and we nearly always find it tethered in somebody else's back yard." I have noticed that myself. How many people have found England the scapegoat, or the United States the scapegoat? On that occasion somebody said "You know, Canada can play a great role as the interpreter between the United States and the British." I said that I always think our great strength is that we are the only country in the world where the Anglo-Saxon, Celt and the Latin live together, or should do, in equal citizenship. There was an American present and he said "How right you are. I have just come back from North Africa. We were having trouble with the free French, with Darlan and De Gaulle. We could do nothing. One day there arrived a great Canadian gentleman, General Georges Vanier, who understood both English and French, their language, their culture, their virtues and their weakness. The Americans respected him. Within a couple of hours because of his intervention the difficulties were solved and discord was drowned in harmony."

A few other memories. During the war the highest record of voluntary enlistments in Canada was amongst the Ukrainians in Saskatchewan. I remember also a man from Saskatchewan named, I believe, Schwartz. He was hailed in the Canadian House of Commons because he had nine sons in the Canadian Air Force. I remember also that perhaps the most memorable V.C. of the last war was awarded during the war to a Polish aviator from Winnipeg who, if you will remember, when his plane caught fire, helped his fellow crew men to descend in safety and was as a result burnt to death. Today in Winnipeg they have named a school after that gallant gentleman. As I recall those happenings, I do not wonder why with our background of history, with our record of tolerance and our memories of men and women who placed their gifts upon the altar of our citizenship, we are really becoming a grand experiment in human brotherhood. I hope nothing will ever stop us from continuing that noble pursuit. Sometimes I like to quote to Canadians a phrase written by the French philosopher Renan who said: "Le Bon Dieu a écrit une phrase de sa pensée sur le berceau de chaque race", the Good Lord has written one sentence of his thoughts on the cradle of every race. And so brotherhood is really the

foundation of our nation, which I hope will always remain blessed by unity in diversity. We see evidences every day around us of growing tolerance, not a lessening of it, of growing brotherhood amongst all religious faiths. There are still, in this land of course, some memories of old, unhappy, far-off things, and battles of long ago, but let us hope that they too will fade away and become dull, cold embers.

Robert Louis Stevenson once wrote a poem after he had been in the south of France in Languedoc. It is called *In the Country of the Camisards*. At that time Protestants were fighting with fellow religionists and had raised some kind of a secret rebellion. I have often wished that what the Scottish poet wrote could be true of all peoples who once had been enemies.

He wrote:

We walked in the print of ancient wars
Yet all the land was green
And love and peace we found
Where fire and war had been.
They smiled and passed
The children of the sword
No more the sword they wield
But oh how deep the corn
Along the battlefield.

May I continue with a few more memories. I happened to be in Coventry not long after it was bombed. Desecration had passed on its way but still leaving consecration in its wake. The Provost of Coventry published a little booklet. It contained pictures of the Cathedral as it had been and the terrible ruins in which it was left. On the last page of the book was printed an unexpected and most moving quotation. There in gold letters was this sentence from one of the canticles in the Church of England prayer book—"Oh ye Fire and Heat, bless ye the Lord, praise Him and magnify Him forever".

Lately I have been reading how the Germans have helped to rebuild Coventry Cathedral and how a small army of Britons are helping to rebuild the Cathedral in Dresden.

By way of digression I would like to tell you two stories which, in a sense, illustrate what I said. The first story came from the lips of the Archbishop of Canterbury. During the last war a bomb was dropped on the cathedral in Canterbury, right on the centre tower. It would have destroyed the memorial of St. Augustine and the most famous shrine of Christianity in England. The bomb did not explode. It was safely removed and made harmless by a bomb disposal squad. At the very centre of the mechanism which would have detonated the bomb and destroyed the cathedral was a piece of paper in which were written these words—"Vive la France". It was put there by a brave man, nameless and unknown, a Frenchman deported into slavery and working in a German factory. The other story is a true story by the great scholar, philosopher and humanitarian, Victor Gollanz. I remember reading it in a book he wrote for his grandson. The incident he recorded happened, I believe, at Verdun. There was a young Catholic soldier who was dying in no man's land. He kept crying out for a priest to come to him and give him the last rites of his Church. No priest was within hearing or reach. A Jewish Chaplain heard his calls, hastily made a wooden cross, and ran into No Man's land holding the sacred emblem before the eyes of the dying man who perhaps was a friend or maybe just a stranger. They were both killed by the same shell in the moment of benediction and unity.

I mention those things as little memorable stories of charity and brotherhood. Sometimes we do not hear about things which we should hear about.

The other day I noticed in the newspapers that at Keele University, which is one of the new universities in England, they have built a chapel with a central altar and three little chapels close by where men of all creeds, protestants and catholics, can worship together.

One of the happenings which I saw in an Old Country paper and not referred to in any Canadian newspaper was the election of the rector of Glasgow University. There were three candidates, one was an eminent Scottish lord, the other was an eminent Englishman and the third was a coloured man from Zululand. He was the man who won the Nobel prize and was not allowed to receive it. By an overwhelming vote the coloured gentleman received infinitely more votes than both the other candidates together. He was elected the rector of Glasgow University.

While I have nothing against fraternities and sororities, as I am sure they have served and still serve a useful purpose, I have always felt that Universities should be not so much a home of fraternities and sororities as a Temple of Fraternity and Sisterhood. There are, I believe, a number of American fraternities with which students in Canadian universities are affiliated which have as articles in their constitution the prohibition of membership of Jewish people and of coloured people. I am sure that the great majority of Canadian University students who are hampered by these prohibitions disapprove of this exclusion. Some of them have not known of it before they joined the fraternities or sororities in question.

I would most respectfully suggest that it would be a step in the advancement of human brotherhood within Canada if such exclusions and restrictions did not form part of the constitution of the Canadian branches of the fraternities and sororities in question. Perhaps some day our neighbours will of their own accord remove such antiquated provisions from their university communities. In any event, our American friends should have no objection if regulations so foreign to our own idea of human brotherhood are not binding upon the university youth of this land of repentance, tolerance and reconciliation. I also remember, not long ago—I think Mr. Matheson was there—when Marian Anderson came down to Queen's University to get a degree. I do not think anybody ever received such a warm welcome from that university, which is one of the oldest in Canada, as you know. I remember giving her a little poem that I thought she might like to read. It was written by a humble and to me unknown Jamaican. At first sound it may not be moving and perhaps may not make much sense, but when she read it, it was both moving and full of meaning. These are the words which she read:

Dark people singing in my veins,

Fair people singing sweet strains.

And when I bow my head in prayer,

I bow with dark hands, blue eyes, red hair.

Now, ladies and gentlemen, brotherhood is not an easy thing to come by. I think Archibald MacLeish says somewhere: "It is far more than a week's wishing". Neither is democracy easy to put into perfect action. Although it may have been ultimately inevitable as the result of the war between the English Parliament and the English king in the 17th century, it was never really tried as a system until after the American Revolution and the passing of the famous motion in the British House of Commons that the power of the throne had increased, was increasing and ought to be diminished. It has therefore been on trial for less than 200 years. Some time ago I read a fine definition of democracy by an American, whose name I wish I knew: "Democracy is a method of accounting for everyone, for the little love of many hearts, the little light of many minds and the work of many hands". Brotherhood is like

that. It is also like patriotism which is not an easy thing. Patriotism is not the waving of a flag, the singing of an anthem or the playing of a band; it can be a terrible thing. Brotherhood also is not an easy thing. It may need a re-dedication to high ideals, a repudiation of old ideas and long and deep thinking. It sometimes needs true repentance also.

One of the finest phrases in English literature is to be found in an unexpected place—in a sermon of Samuel Butler who in the 17th century wrote *Hudibras*, an epic mockery of the Puritans. "Tears of repentance", he said, "are the waters upon which moves the spirit of God". There is no doubt that the flowering and harvest of brotherhood need not only remorse but repentance. I remember some words written by Cardinal Newman when he said that the British had many faults and judged by the morality of the after-thought of a later age that they had committed many sins and perhaps some gross iniquities; but the world should remember that in the main their repentances are greater than their sins. I remember some of those repentances. Freedom has been granted sometimes with reluctance and often, alas, out of weakness when it could have been graciously done out of strength. In these latter days of repentance, Britain has played and is still playing a leading part in the promotion of racial equality and in the establishment of freedom, and as a descendant of the oldest race in the British Isles I take some pride and some joy in the knowledge that these things have happened. I am sure my French-speaking fellow citizens in this room will be happy also that their own ancestral motherland is, in very truth, entitled to the same acclaim for its own record of liberation.

Mr. Chairman, if I might, I would also like to file with you a rather remarkable publication which you may not have amongst your documents. I borrowed it from the United Nations Library in New York when I was there two or three days ago. I place it with confidence in the careful custody of your secretary. It deals with the "Roots of Prejudice". It concerns a survey of racialism and racial hate as analyzed by modern science. It contains a wonderful series of articles by eminent ethnologists, psychiatrists, philosophers and historians. I have not had a chance to read it thoroughly, but if your secretary, or whoever writes the report of the committee has not a copy of the book, I think it would be a valuable contribution to your studies. The title of the book is *Race Question In Modern Science* and these are the headings of the chapters and their authors:

Roots of Prejudice	Arnold Rose
Racial Myths	Juan Comas
Race and Psychology	Oho Klineberg
Race and Culture	Michel Leiris
Race and Biology	L. C. Dunn
Race and History	Claude Levi-Strauss
The Significance of Racial Differences	G. M. Morant

May I file that with you?

The CHAIRMAN: Is this agreed? I understand it is agreed.

Mr. BROCKINGTON: If I might, I am going to read one quotation regarding hate because it comes from an ancient writer who was the inspiration of one of the greatest Canadians who ever lived. It comes from Sir Thomas Brown's *Religio Medici*. When Osler was a boy he was inspired by that book. Sir William Osler was one of the products of the finest Canadian education. He was the perfect blend of the scientist and the humanist, and was successively a Professor of McGill, the University of Pennsylvania, John Hopkins and Oxford, and was known as The Family Physician of Three Nations. Not only was he the greatest medical teacher of his time but he was also the president of the

British Classical Association. This is what Sir Thomas Brown said in his stately, monumental English. He uses the word "assassin" as a verb. These are his words:

There is another offence unto charity, which no author hath ever written of, and few take notice of; and that's the reproach, not of whole professions, mysteries and conditions, but of whole nations, wherein by opprobrious epithets we miscall each other, and, by an uncharitable logic, from a disposition in a few conclude a habit in all—St. Paul, that called the Cretans lyars, doth it but indirectly, and upon quotation of their own poet. It is as bloody a thought in one way, as Nero's was in another; for by a word we wound a thousand, and at one blow assassin the honour of a nation.

Mr. Chairman, I have some observations which I would like to make about hate, but if anybody would like to ask me some questions about it, and give you a little respite, and arrest this eternal monologue, I would be happy to answer them as best I can. Hate, in the written word, of course, is to be distinguished from libel, satire and unfair criticism. As no doubt I will mention later on, there is bound to be, at some stage, a conflict between repressive legislation and freedom of speech which perhaps can be resolved to the satisfaction of this committee. I have not seen the regulations of the present Canadian Broadcasting Corporation, but when I was its chairman we did have a clause about things which should not be broadcast. One of those things was racial hate. This was very specific. A few other things were mentioned in Section 7 of the old act which were allowed to be broadcast. In those days, you were not allowed to mention birth control, but, I am informed that with other times and with other customs that restriction, if it still exists, is no longer enforced. I believe that racial hatred may not be broadcast, although the term is not defined.

Criticism, whether it is self criticism or comes from outside, satire and the ability to endure them, withstand them and ignore them depends on a large number of factors and considerations. Perhaps it is a sign of maturity in a nation, or a matter of temperament and philosophic resignation in an individual. I remember even within my lifetime the United States of America was very sensitive about outside criticism of American institutions and individuals and the violent self-criticism of recent years and the willingness of our neighbours to laugh at themselves and their institutions is something of recent growth, although in the ancient days the violence of their political speeches and the ferocity of their political cartoons were notorious if not famous. There is inscribed on one of the gates in Aberdeen University, with which your Chairman's alma mater has been associated since the days of its far beginning, an inscription which reads "They say. What say they? Let them say." Those words are on the gate in the city of Aberdeen where it is generally believed that for many years there has existed in that granite city a mass production factory, of which the production line turns out an endless succession of jokes about Scotsmen. The British, and especially the English, have always seemed to be able to stand the slings and arrows of outrageous abuse. They have, however, been quite good at abusing other peoples themselves. I can recall many things written and said about the Irish, the Welsh, the Scots and the French (I refer to the days when in the European Wars, the English and the French were the natural enemies of each other), and to give them their due they have produced a number of English satirists who turned their weapons on England for Dean Swift and Bernard Shaw were of English descent; W. S. Gilbert was an Englishman (although Sullivan was part Irish, part Jewish and part Italian) while Samuel Butler, who wrote *Hudibras* and the other Samuel Butler, who wrote *The Way of All Flesh* were thoroughly English. In

any event, the English, perhaps as a result of their natural modesty, have always accepted unkind remarks by foreigners with a certain amount of disbelief, and a contempt for the ignorant alien who makes them.

I have always thought that one of the most wonderful institutions in the world is Hyde Park. I wish it were possible to transplant it to the New World. Perhaps when we are all in reality one people and cease to be haunted by ancestral prejudice in a citizenship united in its loyalties and its devotion, we too may have such a public forum. In Hyde Park as you know, anyone can stand on the platform and say anything he likes within the limits of verbal decency. I remember the Hon. Charles Dunning, (once Premier of Saskatchewan and subsequently our Federal Minister of Finance), telling me of a fascinating story related by the Superintendent of Scotland Yard, at dinner one night. "Two of my friends, the Superintendent said, were today driving in Hyde Park when they stopped near a platform, where there stood a man who was abusing the police, and especially the members of Scotland Yard, calling them every unpleasant name possible. They had been there for a minute or so when a uniformed policeman, who looked profoundly bored, came up to them, put his head in the car, and said, 'Would you mind turning off your engine because they can't hear what the gentleman is saying.'"

Now I don't think you can interfere or would wish to interfere with the basic freedom of speech, of writing or with all forms of private and public utterances as long as they do not debase our common humanity by obscenities, blasphemies and seditious utterances, all, of course, subject to the laws which govern those violations of orderly conduct and the common decencies of civilized behaviour.

Perhaps you may find the way to stop pamphlets which have one design only and that is to spread racial hate. I think perhaps the eminent lawyers who will advise you may find a way to do that. I do not believe, however, that such restrictive measure is the most constructive thing which we can do. You cannot kill hate by acts of parliament, nor do I think you can end the expression of hate by laws and ordinances. We all however can by example and by encouragement help to create a climate of racial and religious goodwill. Certainly recommendations by this committee would help greatly towards that beneficent end. Our first duty of course, is to cleanse our own household and remove as far as we can any disabilities suffered by any minority group in this free land and asking all associations of citizens to co-operate in their complete enfranchisement and the removal of all barriers.

There has been in recent years and in recent months some admirable change in antiquated procedure and custom in some of the leading associations of gentlemen who, of course, have a right to choose their associates in a restricted and restrictive social institution. During my wartime wanderings in many far places I never met or heard of a Canadian soldier who was unkind or discourteous to anyone of another race, in any land to which their duty had called them. Certainly they were uniformly generous and kind to little children everywhere and they certainly added another pride and honour to my Canadian citizenship. You would have been as deeply moved as I was if you could visit the modern and immaculate Maternity Hospital in the Gaza strip, which was built with the canteen profits of the Canadian troops in that little oasis of restless peace. It was erected as a memorial to the young, dedicated French-Canadian lady who lost her life in the air crash which killed the devoted and deeply religious Swedish citizen of the world—the unforgotten and unforgettable Secretary General of the United Nations.

We in this land of sunshine and freedom and of fresh, cleansing winds have certainly a climate and an atmosphere unfit for the survival of racial hate. I think our school books in both languages could be revised without any

violation of the essential truth. Certainly expressions of racial hate and contempt should be modified or removed. Little children if left to themselves form friendships in work and play, forgetting differences of race, colour and creed. I have heard friends of mine who were brought up in Africa, tell me of their unclouded friendships with the children of their African neighbours. One of the most moving cartoons I have ever seen was one drawn by the great New Zealand cartoonist Low, a few months before he died. He pictured two little boys about two years old, one black and the other white holding each others hands as they were walking into the jungle together. Underneath the drawing were these words "Babes in the Wood". I believe that more parents every day have and could be persuaded not to create prejudices in the minds of little children who would not have any prejudices of their own accord. In the book which I have filed, there are many examples of the conscious and sometimes of the unconscious influence of parents who inherited hostilities or desire for social status have communicated to their own children perhaps often not intentionally. In these days of the emergences of new nations and the sacrificial passion for education in every land there could be in each Canadian school every month a half hour set aside for the teaching by precept and example of universal brotherhood the crying need for it and the cultural and human virtues of all the races of mankind.

May I repeat to you Archibald Macleish's saying that "brotherhood does not come in a week's wishing". How many of us have been to some function in Brotherhood Week to make or listen to a speech at the Annual Banquet and then promptly forget all about it for the other 51 weeks, and during those weeks we should all cleanse our thoughts, bridle our tongues and search our hearts and speak and live in the spirit of the brotherhood we celebrated at that Annual Banquet.

Mr. Chairman, I realize that all I can really give you is an old man's benediction for the work that you are doing for this committee. I have seen a great deal of sorrow in my wanderings but I have always been uplifted by the sight of those in poverty and distress bearing great burdens in making still hopeful and doing their brave best to face the tribulations on the threshing floor of their tragic fate. I often like to repeat the inscription on the door of a Leicestershire Church in England which was built by a young cavalier who was killed in the early years of the war between the Crown and parliament in the 17th Century. This is the inscription:

In the year 1640 when all things sacred throughout the nation were either demolished or profaned Sir Robert Shirley built this church—whose singular praise it was that he did the best things in the worst times and hoped them in the most calamitous.

I have never been more impressed in my life than when I witnessed some of the poor Arab refugees. I blame nobody for their plight because I do not know all the causes and certainly do not know what the remedy is. When I went amongst them I tried to report with truth what I saw and what I heard. Amongst the hundreds of thousands of refugees amongst whom I moved were the innocent victims of cruel fate.

Some years ago I spent six weeks with the Canadian Delegation to UNESCO at its meeting in New Delhi. I talked with scholars and heard orators surpassed by those of any countries of the world. There is no greater scholar with a greater intellect or a more persuasive power of eloquence than the present President of India. I met innumerable ladies and gentlemen of India with an amazing knowledge of English literature as well as with the classics of their own land. I recall one of the most remarkable meetings which I attended in a gathering of members of the Indian upper and lower house. I listened to Prime Minister Nehru, to the Minister of Education for India, to the saintly Dalai Lama of Tibet, to the sinister Panchen Lama and to the formidable and inscrutable

Chou En Lai of China, all speaking to a Buddhist conference, where practically everyone in the audience was fluent in the English or French tongue.

While India, of course, has a tremendous cultural and artistic history of its own, wherever I have been amongst ancient and newly liberated peoples, I have come to believe that there is no limit to the intellectual and cultural capacity of nearly all of the overwhelming majority of the races of mankind provided that they are given an opportunity for education and self improvement. Amongst the best speeches I have ever heard spoken in our English tongue was one given by a Siamese Prince, one given by a Doctor from Ceylon, and another by a Brazilian lawyer and others by the present Premier of Barbados and by Mr. Manley, one of the leading lawyers of the world, one by the Prime Minister of Jamaica and one by Sir Grantley Adams, who was once the Prime Minister of Barbados. I have watched some of our own Eskimos fashioning their own lovely works of art and seen some of the paintings done by the aborigines of Australia. I have been amongst the magnificent Maoris and have marvelled at the muscular strength of their bodies, the melody of their speech which adds a new beauty to our English tongue, and the skill of their hands.

I mentioned a minute ago the sacrificial passion for education which is inspiring and uplifting so many races of the world. Some six years ago Mr. Nehru showed me his educational five year plan which included the building of 55,000 new high schools. Even when I was in India at that time there were 91,000 undergraduates at Calcutta University and 110 constituent colleges. I was visited in Delhi by a group of earnest, young Indians of 17 or 18 years of age. They brought me some of their textbooks. They were paperbacks on atomic physics written in Hindi, only one of India's many tongues. The examinations were, however, all in English. I have often wondered how many young men of 17 or 18 in Toronto, London, Oxford or New York would be reading books like that in one difficult language and sitting examinations in the other.

In the Middle East you see students walking along the roads with their heads bent over their books in the heat of the sun or the shade of the palm trees. I remember reminding the young boys or girls with whom I spoke (and many of them understood English) that in the old days it was the Arabs who were the chief scientists of the world, the doctors, the metaphysicians, the astronomers and botanists. They were the link between the civilization and culture of Greece and Rome throughout the darkness of the Middle Ages.

When you have been supplied with extracts or read the UNESCO book which I have been permitted to file with you, you will notice that the biologists say there may be a few backward races, such as some of the tribes of New Guinea or the Bushmen of Africa, which have a long way to go on the road to what we are pleased to call civilization, but I am convinced from what I have seen and read that practically all the races of mankind, if given the opportunity for education and technical training, may in one or two generations achieve many of the accomplishments which we thought once made us superior people. I think all of us throughout our lives have been uplifted and inspired by memories of phrases used, conversations recalled and significant happenings that may have seemed to be only trivial events when they happened. Did I quote to you what one Saltmarsh said in the 17th century? He was a colonel in Cromwell's army. I think he was one of those so-called levellers. "Thy truth is as dark to me as my truth is dark to thee until the law enlightened all my saying." Did I quote to you the epitaph from the Greek anthology?

The CHAIRMAN: You did not.

Mr. BROCKINGTON: I beg your pardon. The other quotation was from Greek anthology which says... and I thought of it when I crossed the border of Syria... "Of course I am a Syrian. What of it? Are we not all citizens of one

city, the world, and is not Chaos the mother of us all?" Perhaps one thing to remember—it moves me more than almost any quotation I know—is a song written by one who walked in courage and in joy beside his plough upon the mountainside. His statue is to be found in many lands wherever the Scots in their wanderings have brought the benediction of their settlement, their industry and their courage. I would like my last quotation to be a phrase of Robert Burns. It contains the word "gree", which I may tell those of non-Scottish descent is an old Scots word meaning "prize". Here are the familiar and still moving words of the sweet singer in the days which ushered in what is known as "the Industrial Age".

And let us pray that come it may,
As come it will for a' that;
That sense and worth, o'er a' the earth,
May bear the gree, and a' that.
For a' that and a' that, it's coming yet for a' that,
That man to man the world o'er, shall brothers be for a' that.

Ladies and gentlemen, I am sure that everything will be done which can be done to condemn and put an end to the horrible crime of genocide. I know you wish to bring comfort to those who have suffered, to preserve free speech, which is the basis of our democracy, and to prevent pain being given to any people, any race, who had more than their share of suffering since this world began.

The CHAIRMAN: Maybe we could have a pause for a few moments, and then we could proceed with questions. May I say one more thing? I happen to know that our friend has not been well lately and he has come to us with some personal sacrifice, in fact contrary to his physician's instructions. I apologize for asking you to come in these circumstances but I felt that if you could start us off on our deliberations, it would be of help in the ensuing weeks. We shall now have a five minute break.

(The Committee took recess).

The CHAIRMAN: Now, if we could come to order, I will recognize, first, Mr. Brewin.

Mr. BREWIN: I would like to express on behalf of myself and perhaps other members of the committee our gratitude in having your eloquent and moving references to brotherhood, but in respect of other matters which underlie the work of this committee I would like to ask questions about the practical problems which face this committee.

We have to deal with legislation and we are aware of the difficulty that is involved in suppressing or dealing with hate literature on the one side and allowing complete freedom of criticism on the other. I was just wondering if you have had an opportunity to look into legislation of other countries in the world today. It has been suggested that we ask our Department of External Affairs to look into that on our behalf. But, I am wondering if possibly you might have discussed this and, if so, if you could advise us where we could obtain the most useful help in this connection?

Mr. BROCKINGTON: As a matter of fact, I only knew about this meeting a few days ago and I have not had an opportunity at all to study it as I should have and would have wished to do. I think your secretary will find much useful information in the second exhibit which I have filed. I would like to emphasize this, however; one of the most precious things we have today, the strongest supporting pillar in the temple of democracy, is the right to know and argue according to conscience. We cannot, nor should we wish to try, to stop men writing books or making speeches. I do think, however, that the able lawyers who will help you may be able to work out a scheme preserving the right to

publish and to speak but nevertheless find a way to exclude certain publications from circulating in Canada. They all have an origin outside this country and their circulation is part of a wicked campaign instituted to denigrate and blame the Jews, to attack Catholics and some of the Protestant Churches and to keep the coloured peoples of North America, and perhaps the world, in a state of economic servitude. I know some races, like some individuals, are more sensitive than others to these attacks. We can all understand, of course, how any man or race, who has suffered persecution and is still haunted by fear, must naturally have a different attitude to these things. The psychologists will tell you that fear is the basis of a great deal of mental distress. We all remember Franklin Roosevelt's phrase that "We have nothing to fear but fear itself". Recent memories of the most horrible things which have ever happened in the history of the world, especially when coupled with ancient persecutions, will take a long time to be eradicated from the memories of the Jewish people. One has only to read the evidence given before the Nuremburg trials, as I have read it, and one cannot wonder at the searing of the soul of the Jewish people the world over, with whom we all must have the deepest sympathy. But, what appears to be hate to them, you and I might meet with silence and contempt but even we, I believe, would be aroused by a stream of falsehood and virulent enmity.

I am happy to think that there is little prejudice, if any, against our fine coloured people and have always been proud to reflect that slaves were emancipated throughout the whole of the British Empire in the early days of the 19th century and that during the American Civil War, many runaway slaves found balm in our Canadian Gilead. What I believe was the first Victoria Cross in the Crimea War was given to a coloured man from Nova Scotia. My memory is that a county is named after him.

Mr. REGAN: The name is Mr. Hall and he is from Hantsport. There is no county named after him.

Mr. BROCKINGTON: On one occasion I was travelling from Calgary to Vancouver. I never go to bed very early. I went into the smoking room and the porter was just finishing shining some shoes. This porter was reading a German grammar. I said that I did not want to be rude but asked him how he happened to be reading a German grammar. The porter said that he had been a student of chemistry all his life and he came to the conclusion that he could not read the works of the German chemists, who at that time were the world's leaders, unless he could read them in German. So, he said, he was studying German so that he could read these works. I told him that there was only one thing I would like to do and that was to shake his hand. On other occasions I have seen porters on the trains helping boys who were going to school in British Columbia with their Latin. You would be surprised at their standard of education and their capacity.

At one time I used to be president of the Rank Organization. Do you know the picture which broke all records in Jamaica? It was Hamlet. Perhaps the reasons for this were that they were all brought up on the St. James's version of the Bible, and, of course, they all enjoyed the blood-letting, the battles and the resounding rhetoric. One is always perhaps surprised but also delighted to find people who have such an unsuspected, high degree of intelligence and passion for learning. You have all probably heard some of the African leaders speak. Many of them, of course, were educated in Britain and the United States. Their capacity for lucid and persuasive speech is truly remarkable. Nor is there any greater scholar, orator and philosopher than Rajah Krishna, the present President of India, who was for ten years the Professor of Comparative Religion at Oxford.

One of the greatest men, in addition to eminent natives of India like the saintly and martyred Mahatma Ghandi, the late Prime Minister, Mr. Nehru, who was educated at Harrow and at Cambridge, was of course that monumental figure Rabindra Nath Tagore who wrote magnificent poetry both in his native Indian language and English. He was a musician also and composed the words and music of the lovely national anthem of his country. He wrote a wonderful poem on freedom. I ask permission to place in this record an extract from it, which I quoted to the UNESCO General Assembly when it met in Delhi, India some six or seven years ago. It has, I believe, an eloquent message for our country and this committee:

Where the mind is without fear and the head is held high;

Where knowledge is free;

Where the world has not been broken up into fragments by narrow domestic walls;

Where words come out of the depth of truth;

Where tireless striving stretches its arms towards perfection;

Where, the clear stream of reason has not lost its way into the dreary desert said of dead habit;

Where the mind is led forward by thee into ever-widening thought and action,

Into that heaven of freedom, my Father, let my country awake.

But I am afraid that I am wandering away from the important things which are before this Committee. I will still return to the necessity of doing everything we can to create a climate where reconciliation will grow in strength and racial hate will cease to bring discord amongst us. There must always be clashes of opinion and I have no doubt most of you will remember that magnificent phrase coined, I believe, by Adlai Stevenson, when he referred to "the discordant symphony of a free society". There is no doubt that a great deal of racial prejudice and racial hate are artificially created and thoughtlessly disseminated. Little children left to themselves would, I believe, never think of a lot of prejudices against peoples of other colours, races and creeds, which we adults have inherited and often unconsciously perhaps have been willing to continue.

Of course, hate has also a beneficent purpose properly directed. It is always a good thing to hate foul things and even sometimes to direct it against persons and perhaps peoples. If there had not been campaigns of hate, subject peoples would never have overthrown tyranny and if it is directed against the right objects, it can be and often is a formidable and necessary weapon. I think as the world grows wiser and kinder, we will be able to wipe out a great deal of artificial hate but as long as there is domination, exploitation and tyranny, it will always remain as a necessary weapon with which to annihilate those evils. How different that form of hate is from the mean hate and hateful literature which contain massive untruths against a minority people who have suffered so much from "man's inhumanity to man". I heard a very interesting story the other day about an old Orangeman who on his deathbed joined the catholic church. His sons and grandchildren who stood around his deathbed asked "What did you do that for?" He answered them "If anyone has to go, it is better that one of them goes than one of us".

Mr. NESBITT: I know that examples seldom if ever prove anything but sometimes they illustrate a way towards some objective. Certainly one of the things that helped instigate this committee, or at least instigated a great deal of attention to the proceedings here, is the appearance on the C.B.C. recently of the head of the Nazi party in the United States, Mr. Rockwell. This, as

everyone knows, created a great deal of controversy. Some people feel his appearance was exceedingly offensive and would certainly promote hate. Others have taken the view that his behaviour was so bizarre that any reasonable person would either be shocked or amused by his behaviour.

As a student of human affairs for a very long time indeed I was wondering if you would care to give us your views on the appearance on a public medium of information of persons such as Rockwell or his like.

Mr. BROCKINGTON: Let me put it this way. When I was president of the C.B.C., I made a statement at one time about not liking censorship. May I read what I said at that time? You will then understand what I mean. I believe the English people had not much patience with Mr. Rockwell. He landed in England but they quickly shipped him back home, not because Britain is not a free country but its traditional liberty is not to be tainted by an alien's licence to inflame passions, representing a really contemptible minute army of external fanatics. When his speech was broadcast in Canada, was he in this country or did he speak from somewhere else outside it? Was he admitted to Canada or was his speech recorded in New York or elsewhere?

Mr. KLEIN: He was recorded in the United States.

Mr. BROCKINGTON: This is what I said when I was chairman of the C.B.C. in 1937. While my words were in no sense memorable, they were quoted with approval by the *New York Times* and the *Christian Science Monitor*.

We believe that censorship is undesirable, and perhaps impossible beyond the limits of decency and the minor and necessary prohibitions which we have fixed in our regulations. We have always and shall continue always to take care in the selection of network speakers to see that they are competent to discuss public problems within recognized amenities. We deprecate any tendency on the part of the owners of private stations to allow their own political or social opinions to affect broadcasts from the station which they control. Censorship itself depends on the opinion of an individual possibly no better qualified to express an opinion than the person he censors. We believe radio speaking should be allowed to be forthright, provocative—that is to say provocative of thought—and stimulating. In controversial matters we have tried, and shall try, to allow for the free expression of varied and opposite opinions. Perhaps on occasion enough varieties of opinions have not been expressed. We believe that national problems and international problems should be discussed by Canadian citizens without restriction of fear. It may be that some opinions largely held have remained unvoiced. This situation will be remedied.

We are opposed to, and shall resist, any attempt to regiment opinion and to throttle freedom of utterance. We have not the slightest reason to believe that the government is desirous of regimentation. Rather we have every reason to believe that the contrary is true. Until that occasion arises the corporation, having selected competent commentators and speakers, does not propose to interfere with the right of free expression.

I draw your attention to the next paragraph:

We are opposed also, and shall always be opposed to any attempt to buy the right on our network for the advancement of personal opinion or propaganda. If opinion, sufficiently informed on the lips of an attractive speaker is available, it will be offered by the C.B.C. without remuneration as a contribution to national enlightenment and provocative discussion. The free interchange of opinion is one of the safeguards of our democracy, and we believe we should be false to our trust as custodians of part of the public domain if we did not resist external control and any attempt to place a free air under the domination of the power of wealth.

At that time there was a regulation against broadcasting racial hate. I would certainly agree that that regulation should remain not only in the specific terms of the Broadcast Act, but as a guide to the conduct of us all, including the gentlemen of the C.B.C.

I have said that as far as I know this man, Rockwell, has a very few followers in his criminal lunacy. Maybe he is dangerous but I would like to think that he has no real effect on public opinion. If they put him on the air as a sort of comic relief, or a ludicrous freak in a sideshow that might be one thing. People, however, who have suffered from the fascist doctrines of Hitler and Mussolini are not likely to think Mr. Rockwell's performance funny. I do not want to criticize the C.B.C. because while they have no doubt many imperfections, they also make a great contribution to national enlightenment, entertainment and unity. If they had taken a second thought on Mr. Rockwell's appearance, they might now believe that they made a mistake, not because it did much harm but because he spoke of racial hate and certainly did not fulfil the definition of an attractive speaker, discussing with authority a matter of public interest.

Mrs. JONES: Mr. Nesbitt covered in his questions some of the aspects in which I was interested, and Dr. Brockington, in his reply, has pretty well answered the specific questions I had for him. However, I would like to add my words of appreciation to Dr. Brockington for sharing with us the wealth of his memories and his experiences centering around this subject of brotherhood. I think probably at this stage of Canadian history we still need some legislative restrictions in order to restrict the behaviour of people who still feel a need to hate, who still feel the strength of fear which compels them to channel their hate in the direction of minorities and various groups of people. I think the less restrictions there are the better, and I agree with trying, in the midst of giving birth to legislation in this direction, to create what Dr. Brockington calls the climate of brotherhood, of tolerance.

I really do not think I have any other questions to put.

Mr. BROCKINGTON: My distinguished and learned friend, Mr. Nesbitt, perhaps will correct me if I am wrong, but I recall the definition of seditious libel as something that is published with seditious intent, and then seditious intent is defined. It seems to me that you could give a definition of what hate literature is. While it might not work perfectly it would discourage most of those inclined to engage in its publication and dissemination. I think you must make perfectly clear that it can only be in the nature of a prohibited "hate" pamphlet. You remember what the Jews suffered when a terrible tirade of perjury went around. It was known as *The Protocols of Zion*, which were supposed to contain authentic documents. Is there any Jewish gentleman here? I believe it was completely proved that the protocols of Zion were a complete forgery?

Mr. KLEIN: Yes, completely false.

Mr. BROCKINGTON: That kind of stuff could go on for a long time but every falsehood like every fallacy has within it the germs of its own undoing.

Mr. NUGENT: I thought Mr. Rockwell's appearance—I did not see it in the same light as other people did—was a good reminder to us just how stupid bigotry and intolerance could be, and perhaps thereby served a useful purpose.

My question concerns the propriety of the C.B.C. importing the voice or the appearance of a person, for whatever purpose, when the law of the country prohibits the person from appearing in this country. The laws were set up to keep out that type of person and whatever influence he may have, and this seems to be a way for the C.B.C. to subvert the purpose of the law. I wonder if you would have a comment to make about it. I am speaking of bringing him into Canada indirectly when they cannot do it by law directly.

Mr. BROCKINGTON: I think the B.B.C. did something similar not long ago. In general, I would say that nobody with a public trust imposed upon it should do indirectly what cannot by law be done directly. Did they know at the time that Mr. Rockwell could not get an entry permit?

Mr. NUGENT: They went down there to get him. I would think it was public knowledge that he was not allowed in Canada. I realize the implication in my question. If he had written a book, it could be brought into the country, and that is the same sort of thing, but it is I think part of the question with which the committee should deal. If he can be barred by our immigration laws from entering the country, should his books, writings or films be allowed?

The CHAIRMAN: I might say it has been already suggested I think by two members of our committee that we might advantageously, as a committee, examine the film of Mr. Rockwell, and perhaps have before us the producer of that film. We could then inquire into the motive and purpose of this particular program. That has been suggested, and of course will be referred to the steering committee which will be active on it from now on.

Mr. BROCKINGTON: May I say again that you and I can look upon Mr. Rockwell as a comic person, but put yourself in the position of thousands of people in this country who lost all their relations and everything they held dear in Germany or in Hungary and who came out here seeking refuge. Mr. Rockwell may be a comic figure to you and me but he is a most tragic memory to them. Of course to some extent it depends on the sensitivity of individuals. I would think that if a man was prohibited from coming into Canada, and his voice was brought in for the very purpose which inspired the prohibition, that would be completely wrong. I think that in the absence of any regulations to the contrary, there can be no objections to suggesting that you pass a law. On the other hand, I would not want that to be a condemnation of the gentleman who prepared this program because I do not know enough about this whole subject. However, I would think you could cover that. It would be perfectly proper to cover that, because if you are going to pass a regulation about hate and its intrusion into this country, it is going to be hard to draft a satisfactory regulation, and you might as well make it as concrete as you possibly can in the hope that it may be enforced.

Mr. HERRIDGE: I simply want to join the other members of the committee in saying how much we have enjoyed Dr. Brockington's address on human rights and personal freedoms in relation to a particular set of circumstances. Dr. Brockington knows we had a couple of bills referred to us for consideration. Is it correct to say, Dr. Brockington, more or less summing this up, that you believe in the first instance we have got to do what we can to create a climate of public opinion?

Mr. BROCKINGTON: And private opinion. I do not believe in negative things. I like to see positive things. The negative thing we can do is to say "You may not do this". You cannot remove hate by an act of parliament any more than you can make people sober by an act of parliament. On the other hand, you can create a climate. The recommendation from this committee should be that people of good will should not be negative about it. It is not the absence of sympathy that creates these situations; often it is public apathy.

I would think one of the recommendations would be that parents should not draw attention to differences between races and religions and perpetuate that to their children. For instance, a parent might say that their child should not play with Mary Jones. Mary Jones might be a negress or a presbyterian or a catholic or anything. Being a first class citizen of your own creation or at least in your own estimation should not excuse having a little contempt for a second class citizen. Sometimes people use this behaviour to indicate what they think

is a status symbol, you will find in the UNESCO book the most astonishing reasons given for certain reprehensible behaviours.

Here is the gist of one paragraph. Now, stereotypes take strange forms. They are usually unfavourable to the subordinated group, but not always. Stereotypes about negroes in South Africa and the United States, for example, depict them as brutal, stupid and immoral, but also as happy, generous and faithful. This pattern makes sense in terms of the effort to use negroes as servants and unskilled workers, because the "good" traits seem to justify their treatment as childlike subordinates and to indicate their satisfaction with this treatment.

There has been a lot of rubbish talked about colonialism. The word "colonist" is a good word really. A Roman colonist was a man who left his father's home and carried to his new home the household gods and a live coal from the hearth of his ancestral fire. We British and French people who came to Canada also were all colonists because we did the very same thing. Mr. Atlee pointed out that to be a colonizing power, it was necessary to cross the sea. As you know, the Russians swallowed up territories and they did not cross the sea. Then, there is the record of some of the United States of America's territorial annexations. People tend to forget these things.

Mr. HERRIDGE: Would you say that in addition to creating a climate we may have some opportunities in respect of the postal regulations and the postal act and that sort of thing to prevent the circulation of this kind of literature?

Mr. BROCKINGTON: Of course. But, on the other hand, if you start encouraging the opening of mail and on occasion you open the wrong package you are going to do someone a great injustice. You would have to be absolutely certain that it is hate literature coming from an identifiable address. I receive a lot of these things from time to time but I just throw them in the waste paper basket. But, to me it would appear that most of these things originate in the United States and they have agents up here who distribute them. But, just to open up letters to examine what is in them is something similar to tapping telephones. I suppose there may be occasions when this is justified, perhaps when it is the only way to uncover organized crime and so on. If you are going to give the post office officials the right to open mail on suspicion I think the remedy which you seek to put into effect is going to have far worse results than the disease itself.

Mr. HERRIDGE: But, you say that if it came from an identifiable agency it would be a different matter?

Mr. BROCKINGTON: Yes, if you could identify it through the address or something of that kind. But certainly no one should be allowed to open letters on suspicion. At least, I do not think so. But, on the other hand, if you make the penalty heavy and you define it in such a way that it is a publication which is designed for the propagation of racial hate, containing gross untruths, I think your lawyers possibly could draft some clause towards that end.

Without impairing the right of freedom of speech, freedom to write and so on, I would again suggest that a special climate would come about if there was regular encouragement to human understanding in the schools by the revision of history books and by talks on human brotherhood. Also, I think our two mother races of Canada should do their best to think twice before they utter extreme views. Although I am a director of a newspaper I have had nothing to do with their political policy. I think one of the greatest weapons in the world, which is not used today as often as it should be is the weapon of silence. If some of the facts and follies of the world and the protagonists of hate did not get coverage through the newspapers and other means of communication, we would not hear from many of them in the future. I think Mr. Rockwell went back pluming himself and strutting around because he had put

over this so-called doctrine of his, and had been invited to do so by the state radio in Canada.

Mr. KLEIN: Would you say that the lack of legislation creates a climate as well in which hate would bloom?

Mr. BROCKINGTON: If I had noticed that prohibition in the old Radio Act had been omitted I would have said that would have been a bad thing to have done. I do not think you can say the absence of legislation creates a crime because I do not think that legislation necessarily interferes with a far more important thing, and that is what a man thinks. You have a brotherhood week for Christians and for Jews. Now, you give lip service during that week. But, there is an awful lot of the cleansing of one's heart and the bridling of one's speech and even the purification of one's thoughts which could be brought about by practising brotherhood for the other 51 weeks of the year.

Mr. KLEIN: I am thinking of the atmosphere of hate that prevails in the south and in Dallas, Texas. Would you call it a mere coincidence that the late President Kennedy was assassinated in Dallas, as opposed to a centre where there is not so much hate.

Mr. BROCKINGTON: I would not know. Lincoln was assassinated in another place by a madman. I do not think it was because there was widespread hate there. And, I believe, McKinley was assassinated also by a madman.

Mr. KLEIN: Or the blasting of the church in which the four little negro children were killed. Would you not say that that was an atmosphere of hate in India and I attended meetings of the Supreme Court, and they were conducted would not have the courage to do if there was not an atmosphere of hate?

Mr. BROCKINGTON: Oh, yes, one must agree with that. Obviously the denial of rights to negroes and unpunished murders must generate a lot of hate but surely that hate differs entirely from the hate which caused the inequity of injustice and the horror of the murders. However, after all, there are some noble people down there who bravely stand for human rights.

Mr. KLEIN: May I ask you one more question? You were speaking of India. Would you say there is freedom of speech in India equal to that of, let us say, Canada?

Mr. BROCKINGTON: Mr. Klein, I had no opportunity to judge because my stay was short. But I will tell you that I attended meetings of the legislature in India and I attended meetings of the Supreme court, and they were conducted in the spirit of free institutions as they are in Canada. Their legal procedure and the way cases were tried, the meetings of the Indian legislature I attended, were all conducted with great dignity.

Mr. KLEIN: Would you say that Sweden has freedom of speech equal to that in Canada?

Mr. BROCKINGTON: I have never been to Sweden so I do not know, but I doubt whether any country outside of the English speaking countries of the commonwealth and the United States of America have anything like the freedom we have here. It is growing even in communist countries. Freedom of speech in Poland is greater than it ever used to be. A friend of mine told me that the most wonderful things were happening in Poland. A Polish friend of his said "Under Capitalism Man exploits Man; in our Communism it is vice versa."

Mr. KLEIN: Do you agree that democracy in Sweden is equal to that of any country in the western world?

Mr. BROCKINGTON: And Denmark also perhaps.

Mr. KLEIN: Yes, Denmark also. You would agree that their democracy would be equal to our democracy?

Mr. BROCKINGTON: Yes, but you have to remember that countries like Denmark, Norway and Sweden are comparatively small countries, and they are not multi-racial. All these things of which we have been talking arise in a multi-racial community far more often than they do in one of a comparatively common origin.

Mr. KLEIN: So there is no such thing as a melting pot.

Mr. BROCKINGTON: A melting pot is always in the process of melting otherwise it would not be a melting pot. The melting would have ended. Of course, as the decades pass, a great deal of permanent melting has happened and a great deal more melting is about to happen and as long as immigrants come, the process of melting will continue. Surely the process of melting is a beneficial thing for any nation is lucky when its mainstream is continuously fed and freshened by many tributaries and rivulets beyond its original banks.

Mr. KLEIN: Would you say there is a melting pot in the United States?

Mr. BROCKINGTON: Of course there is.

Mr. KLEIN: How would you explain the fact that prior to President Kennedy a catholic could not be elected President of the United States?

Mr. BROCKINGTON: That was not because of any law, was it?

Mr. KLEIN: Not by law, but if there is a melting pot there should be no difference.

Mr. BROCKINGTON: It is a continuing process of melting, but surely there are men who were once Germans who are now superb Americans, and the same process has gone on in this country. Stephen Leacock once said, with the exaggeration of humour, "Leave the Ukrainians alone and in ten years time they will think they won the battle of Trafalgar".

The CHAIRMAN: If we have concluded the questions, I would ask Dr. Brockington perhaps to recapitulate, or bring his testimony to a close, and then we will adjourn.

Mr. LACHANCE: Suppose some kind of legislation will be passed, would you not think it would be just the kind of publicity that those people would like to have, if there were trials, and some people are prosecuted following this legislation?

Mr. BROCKINGTON: I do not think the writers of hate literature are of the kind to which you are referring. I think most of them would shrink from trial and even shrink from identification.

There are the odd cranks who would like a trial, I have no doubt, but I think it would be true that you might get some people who are so stupid that they would want a trial, but most of them, I think, would run away.

The CHAIRMAN: Then I may ask Dr. Brockington to conclude his evidence with some comments. I think you had some concluding remarks, do you?

Mr. BROCKINGTON: All I would like to say, Mr. Chairman, is that I cannot tell you how conscious I am that I gave a very rambling incoherent and informal talk.

If I may say so, the important things I tried to express were not only that we are devoted to human brotherhood—I think the attitude of Canada in the United Nations, and in all the obligations we have taken on, has been wonderful. After all, we are far removed from some of these countries most intimately concerned, but almost in a generation we have become in many respects citizens of the world.

I would like to praise those who have spoken for us at the United Nations; we can be uniformly proud of them. Our nation started with conciliation and mutual respect. This is one of the great homes of reconciliation, and I am sure that most of our difficulties will be settled to the satisfaction of us all when

we cleanse our minds of racial superiority and both the great mother races of Canada appreciate to the full the contribution which both have made to this wonderful land.

It is said by the oldest of Roman poets that anyone who has two languages has two souls, and I always like to quote the wish of the Archbishop of Canterbury, in Henry V when marrying an English king to a French princess: "May God, the best maker of all good marriages, unite your hearts and unite your thoughts in one", and we pointed out, if you remember, how much breadth of mind and tolerance there was in our early days. I spoke about the Quebec Act; I told you about our early enfranchisement of Jews; and I told you about the rights of catholics in Upper Canada; I reminded you of the devotion of the Quebec nurses; and I gave you examples of wonderful things that Canadians have said and done in war and peace.

I think you have two functions; I think the very fact that this committee has been established is a credit to this country; I think that the very fact that we are concerned is a credit to this country and it is the natural and logical consequence of the very reasons for our existence.

After all, you will remember no slave ever worked here. I do not think there was any slavery ever in Canada. There might have been some indentures in the early days but we have tamed wild spaces more than any other country in the world. Never has such a small handful of people tamed to law and order such continental space as Canada. Apart from a few rebellions in western Canada, there has never been a time when the Queen's writ could not run through all the highways and where a woman, or an unarmed man could walk in safety.

We have been one of the few peoples in the world who have been able to reconcile the things that should be reconciled to make true Democratic liberty. One is the Greek concept of liberty and the Roman concept of order. Our founding motherlands are and were a fine blend of those great concepts.

Now, as I say, if this committee does its best to encourage the creation of the climate which I mentioned, and more people do some positive things and some positive thinking, I think under the guidance of skilful lawyers, you will be able to make some attempt at legislation and perhaps enforceable legislation. If you do so, I hope that there will never be a sacrifice of the basic rights of freedom of thought and of utterance. Emerson once said that democracy is government by bullies, tempered by editors. We won't accept that but if you do not give the press the right to criticize governments and people the right to criticize anything, your bulwarks of liberty go.

I do not think this committee will agree to the opening of mails and a serious deprivation of freedom of speech. I think you can overcome these things with wise wording and clever draftsmanship, and at least accomplish something towards the ends you are seeking.

Mr. CHOQUETTE: I do not know if Dr. Brockington is through, but before ending the sitting of this committee, I would like to say how impressed we were by your fine and deep words, sir, because we have almost had the feeling at times that Canada was going to face an ethnic crisis. I think that your suggestion to promote a new climate is most proper, and that is why I would like to move, and I think I am easily going to find a seconder that the proceedings of the testimony of Dr. Brockington ought to be sent to every French and English newspaper in Canada, if possible.

Mr. HERRIDGE: I second the motion.

The CHAIRMAN: You have heard the motion seconded by Mr. Herridge. Is everyone in favour?

Motion agreed to.

The CHAIRMAN: May I repeat, on behalf of us all, how grateful we are to you. You are a dear friend to Canadians, who I am sure from British Columbia to the newest part of Canada, Newfoundland, share this, and we know that you have come here, giving of yourself at a time when you were not fit and physically able to do so, and we are deeply grateful. Thank you very much.

Mr. BROCKINGTON: Sir, I would like to thank you and your committee for the honour of your invitation and the pleasure of your presence and the patience of your listening. I am deeply sorry that I have not made an adequate return for all those courtesies.

APPENDIX "A"

A SPEECH

Delivered in

A COMMITTEE OF THE WHOLE HOUSE OF COMMONS ON THE

17TH OF APRIL, 1833.

On the seventeenth of April, 1833, the House of Commons resolved itself into a Committee to consider of the civil disabilities of the Jews. Mr. Warburton took the chair. Mr. Robert Grant moved the following resolution:

"That it is the opinion of this Committee that it is expedient to remove all civil disabilities at present existing with respect to His Majesty's subjects professing the Jewish religion, with the like exceptions as are provided with respect to His Majesty's subjects professing the Roman Catholic religion."

The resolution passed without a division, after a warm debate, in the course of which the following Speech was made.

MR. WARBURTON,

I RECOLLECT, and my honorable friend the Member for the University of Oxford will recollect, that, when this subject was discussed three years ago, it was remarked, by one whom we both loved and whom we both regret, that the strength of the case of the Jews was a serious inconvenience to their advocate, for that it was hardly possible to make a speech for them without wearying the audience by repeating truths which were universally admitted. If Sir James Mackintosh felt this difficulty when the question was first brought forward in this House, I may well despair of being able now to offer any arguments which have a pretence to novelty.

My honorable friend, the Member for the University of Oxford, began his speech by declaring that he had no intention of calling in question the principles of religious liberty. He utterly disclaims persecution, that is to say, persecution as defined by himself. It would, in his opinion, be persecution to hang a Jew, or to flay him, or to draw his teeth, or to imprison him, or to fine him; for every man who conducts himself peaceably has a right to his life and his limbs, to his personal liberty and his property. But it is not persecution, says my honorable friend, to exclude any individual or any class from office; for nobody has a right to office: in every country official appointments must be subject to such regulations as the supreme authority may choose to make; nor can any such regulations be reasonably complained of by any member of the society as unjust. He who obtains an office obtains it, not as matter of right, but as matter of favour. He who does not obtain an office is not wronged; he is only in that situation in which the vast majority of every community must necessarily be. There are in the United Kingdom five and twenty million Christians without places; and, if they do not complain, why should five and twenty thousand Jews complain of being in the same case? In this way my honorable friend has convinced himself that, as it would be most absurd in him and me to say that we are wronged because we are not Secretaries of State, so it is most absurd in the Jews to say that they are wronged because they are, as a people, excluded from public employment.

Now, surely my honorable friend cannot have considered to what conclusions his reasoning leads. Those conclusions are so monstrous that he would, I am certain, shrink from them. Does he really mean that it would not be wrong

in the legislature to enact that no man should be a judge unless he weighed twelve stone, or that no man should sit in parliament unless he were six feet high? We are about to bring in a bill for the government of India. Suppose that we were to insert in that bill a clause providing that no graduate of the University of Oxford should be Governor General or Governor of any Presidency, would not my honorable friend cry out against such a clause as most unjust to the learned body which he represents? And would he think himself sufficiently answered by being told, in his own words, that the appointment to office is a mere matter of favour, and that to exclude an individual or a class from office is no injury? Surely, on consideration, he must admit that official appointments ought not to be subject to regulations purely arbitrary, to regulations for which no reason can be given but mere caprice, and that those who would exclude any class from public employment are bound to show some special reason for the exclusion.

My honorable friend has appealed to us as Christians. Let me then ask him how he understands that great commandment which comprises the law and the prophets. Can we be said to do unto others as we would that they should do unto us if we wantonly inflict on them even the smallest pain? As Christians, surely we are bound to consider first, whether, by excluding the Jews from all public trust, we give them pain; and, secondly, whether it be necessary to give them that pain in order to avert some greater evil. That by excluding them from public trust we inflict pain on them my honorable friend will not dispute. As a Christian, therefore, he is bound to relieve them from that pain unless he can show, what I am sure he has not yet shown, that it is necessary to the general good that they should continue to suffer.

But where, he says, are you to stop, if once you admit into the House of Commons people who deny the authority of the Gospels? Will you let in a Mussulman? Will you let in a Parsee? Will you let in a Hindoo, who worships a lump of stone with seven heads? I will answer my honorable friend's question by another. Where does he mean to stop? Is he ready to roast unbelievers at slow fires? If not, let him tell us why: and I will engage to prove that his reason is just as decisive against the intolerance which he thinks a duty as against the intolerance which he thinks a crime. Once admit that we are bound to inflict pain on a man because he is not of our religion; and where are you to stop? Why stop at the point fixed by my honorable friend rather than at the point fixed by the honourable Member for Oldham*, who would make the Jews incapable of holding land? And why stop at the point fixed by the honorable Member for Oldham rather than at the point which would have been fixed by a Spanish Inquisitor of the sixteenth century? When once you enter on a course of persecution, I defy you to find any reason for making a halt till you have reached the extreme point. When my honorable friend tells us that he will allow the Jews to possess property to any amount, but that he will not allow them to possess the smallest political power, he holds contradictory language. Property is power. The honorable Member for Oldham reasons better than my honorable friend. The honorable Member for Oldham sees very clearly that it is impossible to deprive a man of political power if you suffer him to be the proprietor of half a county, and therefore very consistently proposes to confiscate the landed estates of the Jews. But even the honourable Member for Oldham does not go far enough. He has not proposed to confiscate the personal property of the Jews. Yet it is perfectly certain that any Jew who has a million may easily make himself very important in the state. By such steps we pass from official power to landed property, and from landed property to personal property, and from property to liberty, and from liberty to life. In truth those persecutors who use the rack and the stick have much to say for themselves. They are convinced that their end is good; and it must be admitted that they

employ means which are not unlikely to attain the end. Religious dissent has repeatedly been put down by sanguinary persecution. In that way the Albigenes were put down. In that way Protestantism was suppressed in Spain and Italy, so that it has never since reared its head. But I defy any body to produce an instance in which disabilities such as we are now considering have produced any other effect than that of making the sufferers angry and obstinate. My honourable friend should either persecute to some purpose, or not persecute at all. He dislikes the word persecution, I know. He will not admit that the Jews are persecuted. And yet I am confident that he would rather be sent to the King's Bench Prison for three months, or be fined a hundred pounds, than be subject to the disabilities under which the Jews lie. How can he then say that to impose such disabilities is not persecution, and that to fine and imprison is persecution? All his reasoning consists in drawing arbitrary lines. What he does not wish to inflict he calls persecution. What he does wish to inflict he will not call persecution. What he takes from the Jews he calls political power. What he is too good-natured to take from the Jews he will not call political power. The Jew must not sit in Parliament: but he may be the proprietor of all the ten pound houses in a borough. He may have more fifty pound tenants than any peer in the kingdom. He may give the voters treats to please their palates, and hire bands of gipsies to break their heads, as if he were a Christian and a Marquess. All the rest of this system is of a piece. The Jew may be a juryman, but not a judge. He may decide issues of fact, but not issues of law. He may give a hundred thousand pounds damages; but he may not in the most trivial case grant a new trial. He may rule the money market: he may influence the exchanges: he may be summoned to congresses of Emperors and Kings. Great potentates, instead of negotiating a loan with him by tying him in a chair and pulling out his grinders, may treat with him as with a great potentate, and may postpone the declaring of war or the signing of a treaty till they have conferred with him. All this is as it should be: but he must not be a Privy Councillor. He must not be called Right Honorable, for that is political power. And who is it that we are trying to cheat in this way? Even Omniscience. Yes, Sir; we have been gravely told that the Jews are under the divine displeasure, and that if we give them political power God will visit us in judgment. Do we then think that God cannot distinguish between substance and form? Does not He know that, while we withhold from the Jews the semblance and name of political power, we suffer them to possess the substance? The plain truth is that my honorable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart. He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping. But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail, and singed his beard with blazing furzebushes, were much worse men than my honorable friend; but they were more consistent than he.

It has been said that it would be monstrous to see a Jew judge try a man for blasphemy. In my opinion it is monstrous to see any judge try a man for blasphemy under the present law. But, if the law on that subject were in a sound state, I do not see why a conscientious Jew might not try a blasphemer. Every man, I think, ought to be at liberty to discuss the evidences of religion; but no man ought to be at liberty to force on the unwilling ears and eyes of others sounds and sights which must cause annoyance and irritation. The distinction is clear. I think it wrong to punish a man for selling Paine's Age of Reason in a back shop to those who choose to buy, or for delivering a Deistical lecture in a private room to those who choose to listen. But if a man exhibits at a window in the Strand a hideous caricature of that which is

an object of awe and adoration to nine hundred and ninety-nine out of every thousand of the people who pass up and down that great thoroughfare; if a man, in a place of public resort, applies opprobrious epithets to names held in reverence by all Christians; such a man ought, in my opinion, to be severely punished, not for differing from us in opinion, but for committing a nuisance which gives us pain and disgust. He is no more entitled to outrage our feelings by obtruding his impiety on us, and to say that he is exercising his right of discussion, than to establish a yard for butchering horses close to our houses and to say that he is exercising his right of property, or to run naked up and down the public streets, and to say that he is exercising his right of locomotion. He has a right of discussion, no doubt, as he has a right of property and a right of locomotion. But he must use all his right so as not to infringe the rights of others.

These, Sir, are the principles on which I would frame the law of blasphemy; and, if the law were so framed, I am at a loss to understand why a Jew might not enforce it as well as a Christian. I am not a Roman Catholic; but if I were a judge at Malta, I should have no scruple about punishing a bigoted Protestant who should burn the Pope in effigy before the eyes of thousands of Roman Catholics. I am not a Mussulman; but if I were a judge in India, I should have no scruple about punishing a Christian who should pollute a mosque. Why, then, should I doubt that a Jew, raised by his ability, learning, and integrity to the judicial bench, would deal properly with any person who, in a Christian country, should insult the Christian religion?

But, says my honorable friend, it has been prophesied that the Jews are to be wanderers on the face of the earth, and that they are not to mix on terms of equality with the people of the countries in which they sojourn. Now, Sir, I am confident that I can demonstrate that this is not the sense of any prophecy which is part of Holy Writ. For it is an undoubted fact that, in the United States of America, Jewish citizens do possess all the privileges possessed by Christian citizens. Therefore, if the prophecies mean that the Jews never shall, during their wanderings, be admitted by other nations to equal participation of political rights, the prophecies are false. But the prophecies are certainly not false. Therefore their meaning cannot be that which is attributed to them by my honorable friend.

Another objection which has been made to this motion is that the Jews look forward to the coming of a great deliverer, to their return to Palestine, to the rebuilding of their temple, to the revival of their ancient worship, and that therefore they will always consider England, not their country, but merely as their place of exile. But, surely, Sir, it would be the grossest ignorance of human nature to imagine that the anticipation of an event which is to happen at some time altogether indefinite, of an event which has been vainly expected during many centuries, of an event which even those who confidently expect that it will happen do not confidently expect that they or their children or their grandchildren will see, can ever occupy the minds of men to such a degree as to make them regardless of what is near and present and certain. Indeed, Christians, as well as Jews, believe that the existing order of things will come to an end. Many Christians believe that Jesus will visibly reign on earth during a thousand years. Expositors of prophecy have gone so far as to fix the year when the Millennial period is to commence. The prevailing opinion is, I think, in favour of the year 1866; but, according to some commentators, the time is close at hand. Are we to exclude all millennarians from parliament and office, on the ground that they are impatiently looking forward to the miraculous monarchy which is to supersede the present dynasty and the present constitution of England, and that therefore they cannot be heartily loyal to King William?

In one important point, Sir, my honorable friend, the Member for the University of Oxford, must acknowledge that the Jewish religion is of all erroneous religions the least mischievous. There is not the slightest chance that the Jewish religion will spread. The Jew does not wish to make proselytes. He may be said to reject them. He thinks it almost culpable in one who does not belong to his race to presume to belong to his religion. It is therefore not strange that a conversion from Christianity to Judaism should be a rarer occurrence than a total eclipse of the sun. There was one distinguished convert in the last century, Lord George Gordon; and the history of his conversion deserves to be remembered. For if ever there was a proselyte of whom a proselytising sect would have been proud, it was Lord George; not only because he was a man of high birth and rank; not only because he had been a member of the legislature; but also because he had been distinguished by the intolerance, nay, the ferocity, of his zeal for his own form of Christianity. But was he allured into the Synagogue? Was he even welcomed to it? No, Sir; he was coldly and reluctantly permitted to share the reproach and suffering of the chosen people; but he was sternly shut out from their privileges. He underwent the painful rite which their law enjoins. But when, on his deathbed, he begged hard to be buried among them according to their ceremonial, he was told that his request could not be granted. I understand that cry of "Hear." It reminds me that one of the arguments against this motion is that the Jews are an unsocial people, that they draw close to each other, and stand aloof from strangers. Really, Sir, it is amusing to compare the manner in which the question of Catholic emancipation was argued formerly by some gentlemen with the manner in which the question of Jew emancipation is argued by the same gentlemen now. When the question was about Catholic emancipation, the cry was, "See how restless, how versatile, how encroaching, how insinuating, is the spirit of the Church of Rome. See how her priests compass earth and sea to make one proselyte, how indefatigably they toil, how attentively they study the weak and strong parts of every character, how skilfully they employ literature, arts, sciences, as engines for the propagation of their faith. You find them in every region and under every disguise, collating manuscripts in the Bodleian, fixing telescopes in the Observatory of Pekin, teaching the use of the plough and the spinning wheel to the savages of Paraguay. Will you give power to the members of a Church so busy, so aggressive, so insatiable?" Well, now the question is about people who never try to seduce any stranger to join them, and who do not wish anybody to be of their faith who is not also of their blood. And now you exclaim, "Will you give power to the members of a sect which remains sullenly apart from other sects, which does not invite, nay, which hardly even admits, neophytes?" The truth is, that bigotry will never want a pretence. Whatever the sect be which it is proposed to tolerate, the peculiarities of that sect will, for the time, be pronounced by intolerant men to be the most odious and dangerous than can be conceived. As to the Jews, that they are unsocial as respects religion is true; and so much the better: for surely, as Christians, we cannot wish that they should bestir themselves to pervert us from our own faith. But that the Jews would be unsocial members of the civil community, if the civil community did its duty by them, has never been proved. My right honorable friend who made the motion which we are discussing has produced a great body of evidence to show that they have been grossly misrepresented; and that evidence has not been refuted by my honorable friend the Member for the University of Oxford. But what if it were true that the Jews are unsocial? What if it were true that they do not regard England as their country? Would not the treatment which they have undergone explain and excuse their antipathy to the society in which they live? Has not similar antipathy often been felt by persecuted Christians to the society which persecuted them? While the bloody

code of Elizabeth was enforced against the English Roman Catholics, what was the patriotism of Roman Catholics? Oliver Cromwell said that in his time they were Espaniolised. At a later period it might have been said that they were Gallicised. It was the same with the Calvinists. What more deadly enemies had France in the days of Lewis the Fourteenth than the persecuted Huguenots? But would any rational man infer from these facts that either the Roman Catholic as such, or the Calvinist as such, is incapable of loving the land of his birth? If England were now invaded by Roman Catholics, how many English Roman Catholics would go over to the invader? If France were now attacked by a Protestant enemy, how many French Protestants would lend him help? Why not try what effect would be produced on the Jews by that tolerant policy which has made the English Roman Catholic a good Englishman, and the French Calvinist a good Frenchman?

Another charge has been brought against the Jews, not by my honorable friend the Member for the University of Oxford—he has too much learning and too much good feeling to make such a charge—but by the honorable Member for Oldham, who has, I am sorry to see, quitted his place. The honorable Member for Oldham tells us that the Jews are naturally a mean race, a sordid race, a moneygetting race; that they are averse to all honorable callings; that they neither sow nor reap; that they have neither flocks nor herds; that usury is the only pursuit for which they are fit; that they are destitute of all elevated and amiable sentiments. Such, Sir, has in every age been the reasoning of bigots. They never fail to plead in justification of persecution the vices which persecution has engendered. England has been to the Jews less than half a country; and we revile them because they do not feel for England more than a half patriotism. We treat them as slaves, and wonder that they do not regard us as brethren. We drive them to mean occupations, and then reproach them for not embracing honorable professions. We long forbade them to possess land; and we complain that they chiefly occupy themselves in trade. We shut them out from all the paths of ambition; and then we despise them for taking refuge in avarice. During many ages we have, in all our dealings with them, abused our immense superiority of force; and then we are disgusted because they have recourse to that cunning which is the natural and universal defence of the weak against the violence of the strong. But were they always a mere moneychanging, moneygetting, moneyhoarding race? Nobody knows better than my honorable friend the Member for the University of Oxford that there is nothing in their national character which unfits them for the highest duties of citizens. He knows that, in the infancy of civilisation, when our island was as savage as New Guinea, when letters and arts were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities and cedar palaces, their splendid Temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians and their poets. What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation ever, in its last agonies, gave such signal proofs of what may be accomplished by a brave despair? And if, in the course of many centuries, the oppressed descendants of warriors and sages have degenerated from the qualities of their fathers, if, while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of slaves, shall we consider this as matter of reproach to them? Shall we not rather consider it as matter of shame and remorse to ourselves? Let us do justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this, let us not presume to say that

there is no genius among the countrymen of Isaiah, no heroism among the descendants of the Maccabees.

Sir, in supporting the motion of my honorable friend, I am, I firmly believe, supporting the honor and the interests of the Christian religion. I should think that I insulted that religion if I said that it cannot stand unaided by intolerant laws. Without such laws it was established, and without such laws it may be maintained. It triumphed over the superstitions of the most refined and of the most savage nations, over the graceful mythology of Greece and the bloody idolatry of the northern forests. It prevailed over the power and policy of the Roman empire. It tamed the barbarians by whom that empire was overthrown. But all these victories were gained not by the help of intolerance, but in spite of the opposition of intolerance. The whole history of Christianity proves that she has little indeed to fear from persecution as a foe, but much to fear from persecution as an ally. May she long continue to bless our country with her benignant influence, strong in her sublime philosophy, strong in her spotless morality, strong in those internal and external evidences to which the most powerful and comprehensive of human intellects have yielded assent, the last solace of those who have outlived every earthly hope, the last restraint of those who are raised above every earthly fear! But let not us, mistaking her character and her interests, fight the battle of truth with the weapons of error, and endeavour to support by oppression that religion which first taught the human race the great lesson of universal charity.

HOUSE OF COMMONS

Second Session—Twenty-Sixth Parliament

1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 35

THURSDAY, DECEMBER 3, 1964

Subject matter of Bill C-21, An Act respecting Genocide, and
of Bill C-43, An Act to amend the Post Office Act
(Hate Literature)

WITNESS:

Dr. Charles E. Hendry, Director, Graduate School of Social Work,
University of Toronto.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1964

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt
and Messrs.

Aiken,	Dubé,	Lachance,
Brewin,	Enns,	Langlois,
Brown,	Fairweather,	Laprise,
Cadieux (<i>Terrebonne</i>),	Fleming (<i>Okanagan-</i>	Leboe,
Cameron (<i>High Park</i>),	<i>Revelstoke</i>),	MacEwan,
Cameron (<i>Nanaimo-</i>	Forest,	Martineau,
<i>Cowichan-The Islands</i>),	Gelber,	Nixon,
Cantelon,	Gray,	Nugent,
Chatterton,	Herridge,	Patterson,
Choquette,	Jones (Mrs.),	Regan,
Deachman,	Klein,	Richard—35.
Dinsdale,	Konantz (Mrs.),	

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

ORDER OF REFERENCE

WEDNESDAY, November 25, 1964.

Ordered,—That the name of Mr. Cameron (*Nanaimo-Cowichan-The Islands*) be substituted for that of Mr. Knowles on the Standing Committee on External Affairs.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

MINUTES OF PROCEEDINGS

THURSDAY, December 3, 1964.
(62)

The Standing Committee on External Affairs met at 11:00 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Konantz and Messrs. Brewin, Brown, Cadieux (*Terrebonne*), Cantelon, Chatterton, Choquette, Dinsdale, Dubé, Enns, Fairweather, Forest, Herridge, Klein, Matheson, Nixon, Nugent and Patterson—18.

In attendance: Dr. Charles E. Hendry, Director, Graduate School of Social Work, University of Toronto.

The Committee resumed consideration of the subject-matter of Bill C-21, An Act respecting Genocide, and of Bill C-43, An Act to amend the Post Office Act (Hate Literature).

The Chairman introduced Dr. Hendry, who read a prepared brief and was questioned.

The Chairman thanked Dr. Hendry for the notable assistance he had given the Committee in their study of this complex subject.

The Chairman then presented the report of the Sub-Committee on Agenda and Procedure, dated December 1, 1964, whose recommendations were approved item by item, as follows:

On motion of Mr. Klein, seconded by Mr. Choquette,

Resolved,—That the Department of Justice be asked to inform the Committee of

(a) The names of organizations who have made submissions to the Department in the past two years on the subject of hate literature and/or genocide;

(b) Preparations which the Department is making with respect to legislation on these subjects.

On motion of Mr. Enns, seconded by Mr. Herridge,

Resolved,—That John Humphrys, Director of the U.N. Commission on Human Rights, or his representative, be invited to appear before the Committee.

On motion of Mr. Brown, seconded by Mr. Brewin,

Resolved,—That the Attorneys General of the Provinces be notified of the Committee's sittings and offered an opportunity to appear or to submit briefs on the Bills being studied.

The Chairman stated that the Sub-Committee on Agenda and Procedure had also recommended that representatives of the Roman Catholic Church and the Canadian Council of Churches (representing the major Protestant denominations) be invited to appear. He requested the Committee's authority to ascertain who in these church groups was best qualified to speak on the subject under study and to invite them to appear. On motion of Mr. Brewin, seconded by Mr. Cadieux (*Terrebonne*), such authority was granted.

Suggestions as to other witnesses to be invited were made by the members, and the Chairman stated that the Sub-Committee would be grateful for any specific recommendations regarding witnesses who would have something to contribute on the subject.

The Chairman referred to the resolution passed at the previous meeting regarding the distribution of copies of the Proceedings of that meeting to the press, and pointed out that the present number of copies printed did not permit such distribution. Thereupon on motion of Mr. Cadieux (*Terrebonne*), seconded by Mr. Herridge, it was

Resolved,—that

- (a) Copies of this day's Proceedings as well as the Proceedings of November 24, 1964, be sent to every French and English newspaper in Canada;
- (b) In order to provide for such increased distribution, the Committee cause to be printed 2,000 copies in English and 700 copies in French of the Minutes of Proceedings and Evidence, Issues No. 34 and 35, *only*.
- (c) That the Chairman be authorized to investigate the advisability of sending copies of the above-mentioned Proceedings to representatives of the teaching profession.

At 12:45 p.m. the Committee adjourned to the call of the Chair.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

THURSDAY, December 3, 1964.

The CHAIRMAN: Mrs. Konantz and gentlemen, I see a quorum.

I have the pleasure this morning of introducing to you Charles Eric Hendry, who is the director of the Graduate School of Social Work at the University of Toronto. He has been a student of sociology at McMaster, Columbia and Chicago. He has held teaching and research appointments at Columbia, New York University, M. I. T., the University of Southern California, Smith and Wellesley. He was the first Canadian to be awarded a United Nations Fellowship. He has served on numerous provincial, federal and international committees and commissions both in the capacity of member and consultant, and his latest extended tour of duty abroad was as consultant to the Council on World Tensions. The concentration of this study was in Asia.

I give you Professor Hendry.

Mr. C. E. HENDRY (*Director, Graduate School of Social Work, University of Toronto*): Mr. Chairman, hon. members, ladies and gentlemen, I count it a privilege and also a considerable responsibility to speak to this important committee, particularly so in relation to the seriousness and magnitude of the problems reflected in the two bills currently under study.

A certain nostalgia attaches to my appearance in this place. I was born in Ottawa and more often than I can remember, I played "hookie" from the Lisgar Collegiate Institute to listen, in fascination, to debates in the House of Commons. George Simpson, one-time editor of *Hansard* and a very good friend of mine, never failed to find me a choice seat in the gallery. With the passage of the years I must confess an inevitable realism has largely replaced the romantic sentiments of that earlier period.

With your indulgence I plan to deal with the subject of hate in somewhat larger context than might be expected. I am not a lawyer. My competence, such as it is, derives from the social sciences and from some experience in attempting to apply social science research to problems of intergroup relations.

A few years ago I was obliged to spend several weeks in hospital. One morning as I lay in my bed, my attention became focused on a solitary fly on the window of my room. The fly was located on an upper pane of glass. The window itself was slightly raised at the bottom edge. At first, as if by deliberation, the fly moved time and time again around the periphery of the section to which it had become attached. Then it would crawl diagonally, or so it seemed, until in desperation it would take off in a mad fury returning only to crash against the deceptive transparency. Its frantic reconnaissance began afresh as it moved monotonously back and forth horizontally across the full surface of the window's pane. Random movements followed, punctuated again by furious flight ending always in near disaster. For whole minutes, as if stunned into stupor, the fly would remain motionless. Energy restored finally, it would commence its futile gyrations again, alternating crawl and crash, sometimes slowly, jerkily and with hesitation, more often like a firecracker out of control careening crazily around the ceiling. In utter fascination, my eyes followed this fly for almost a full hour. It had me mesmerized. At last, exhausted by this strange exercise, sleep overtook me, not however, before I had recorded a passing commentary in my mind.

This fly, I said to myself, is a prisoner of his frame of reference, or more probably, his lack of a frame of reference. If flight into freedom was his object, if indeed any objective existed at all, then there was an obvious avenue of escape. An adequate passage was readily accessible at the bottom of the window. Driven by instinct alone, bereft of reason, caught up in meaningless space, behaviour could only be blind, and it could end only in frustration, fury and futility. Without suggesting specific application, the allegorical relevance of this odd episode must be readily apparent.

I am one who believes that modern man is caught in the limitations of his own frame of reference. I believe we very much need to re-examine certain of our conventional assumptions. I believe we need especially to be reminded of three basic facts of life.

The first is the Fact of Change. Nothing is so certain as change and yet nothing is feared more. Changes once measured in epochs and centuries now occur within a single generation or even a single decade. Their speed, suddenness and spread stun the imagination. Indeed, as Robert Oppenheimer has reminded us, the greatest change is in the rate of change itself. We have a certain hospitality toward change, but we lack the capacity to understand and control it. We lack both the conceptual and the institutional equipment to cope with it. Our resources for the study of physical and biological change have been much more generously supplied than our resources for the study of social change.

The second fact is the Fact of Difference. Every man differs from every other man. As groups of humans we differ in terms of race, nationality, religion, language and in other important ways. Some individuals and groups resent the fact that others differ from them. They would feel better if everyone were exactly like them. Some persons in this category actually become fanatics. Others take the position that they have to put up with persons who differ from them. They tolerate, but do not accept, and do not genuinely respect those who differ from them. Such tolerance is a subtle form of intolerance. Andre Gide suggests a third category when he writes, "To achieve human unity one must have an affection for diversity". This attitude may be categorized as "cultural pluralism" and represents a responsible and enlightened attitude toward the fact of difference.

The third fact is the Fact of Conflict. Someone has said, "There is no place as unanimous as a graveyard". Creative conflict is of the essence of life itself. A rubber band, to use a simple analogy, can do a job for us. Its elastic quality permits strain and stress. It can be made to hold a package together. By a built-in tension quality it has functional vitality. If, however, one were to put the same rubber band in the drawer of a desk and, through oversight, leave it there unused for a long period of time, then suddenly remember it and try to put it to use, the result would be quite disconcerting. Dried out and brittle, it would break with the slightest strain. Lacking functional vitality it would lack also functional validity. Somehow, in all of life, in all its forms, tension, opposition, conflict, are of its very essence. In their absence, there is death, not life. The life process requires a dynamic equilibrium based on stress and continuous creative conflict.

In May 1950 I made my first visit to Germany. I spent three months in Western Europe working closely with the late Nobel prize-winning physicist, Dr. Arthur H. Compton. We were preparing for a European Conference on Inter-group relations at UNESCO House. During this period I went to Germany as a consultant to the United States High Commissioner for Germany. I returned for a second visit in July 1951, this time as a consultant to a conference of religious leaders brought together at Hattenheim on the Rhine, a first, post-war attempt to involve a Jewish rabbi—in this instance a rabbi from Luxembourg—with Protestant and Catholic clergy in formal dialogue. In a book published the

following year on "The Role of Groups in World Reconstruction"¹ I included the following rather revealing episode:

I heard a rabbi of very considerable prominence, who motored from a neighbouring country to attend a conference in Germany, tell of the following incident. It was his first visit to Germany since World War II. Other Jewish leaders whom he wanted to join him refused. As for him, he felt that the time had come to re-establish contacts and to do his bit to immunize the coming generation against the dread disease of hate. He said that as he was motoring along one of the broad express highways, after entering Germany, he saw a young man looking for a lift. He frequently stopped to pick up such persons, as he enjoyed talking with them. Shortly after the young German had joined him, he remarked on how much he liked driving on such wonderful roads. "Yes," said the young man, "there are just two things we have Hitler to thank for—the Auto-bahn and getting rid of the Jews."

May I quote one other episode I captured for the same published record:

One morning in Berlin while waiting for an appointment with a HICOG official, I picked up a copy of the Paris edition of the New York Herald Tribune (July 14, 1951). When I turned the first page a headline dealt me a left hook and I almost folded up. The tragic irony of it all burst upon me like a shower of shrapnel... "Chicago—Associated Press—steel-helmeted National Guardsmen—rifle butts—tear gas—yelling mob of four thousand set fire to Negro family's furniture—police cars smashed by bricks—one overturned and set on fire—seventeen injured and taken to hospitals—climax to three nights of demonstrations..." I had read of race riots before. As a matter of fact I had had my share in dealing with them. But never before, as I sat there on the very edge of the Western world, had I felt the blow so keenly. Why, I wondered, do we ourselves have to produce and publish such vicious anti-democratic propaganda! Why, at home, do we have to destroy the very dignity we are trying so hard to build up abroad!

Rejection by others is about as devastating an experience as a human being can encounter. Few of us escape its crushing consequences. At one time or another all of us have known something of what it means to be unwanted and unaccepted. When such rejection, however, becomes chronic and categorical simply because of the colour of one's skin or because of the particular group to which one is related by kinship, or ethnic origin, then the consequences are profoundly disturbing and damaging. Distortions of this kind cannot be contained within the private world of an individual person. They release forces and produce tensions that soon spread beyond the psychological boundaries of interpersonal relations to the larger dimensions of the intercultural and the international.

Langston Hughes, the Negro poet, has captured the essence of what I have in mind in poignant lines from which a Broadway play borrowed its title:

What happens to a dream deferred?
Does it dry up
Like a raisin in the sun?
Or fester like a sore—
And then run?
Does it stink like rotten meat?
Or crust and sugar over—
Like a syrupy sweet?

¹ Hendry, Charles E. *The Role of Groups in World Reconstruction*. New York: Woman's Press, Whiteside, Inc. 1952.

Maybe it just sags
Like a heavy load.
Or, does it explode?²

Hate pollutes the mind of man in much the same way that Strontium 90 pollutes the water and the milk he drinks, sulphur dioxide fouls the air he breathes, and lead and arsenic, on occasion, poison the food he eats. Unfortunately, however, there is a difference. Public health officials can measure tolerance levels of pollution with scientific precision. In the case of air and food they do so in terms of parts per million, in the case of water in microcuries per litre, in the case of Strontium 90 in micromicrocuries per litre. And public opinion, attuned to the authority of science, in consequence, supports control (however effectively implemented) through formal legislation.

Bigots and other purveyors of hate who inhabit the margins of madness escape such decisive detection. Despite immense strides in the behavioral sciences the measurement of social pollution has a long way to go before it can command comparable recognition and sustain legal sanctions.

In all candour, and until and unless evidence can be produced to indicate convincingly that the actual threat to any minority group is undeniably substantial and significant I, personally, would prefer to delay passage of the two bills, here under study, pending the considered judgment of representative legal experts and social research scientists who are recognized as specialists in this area of human relations.

I am not one of those who believes that legislation is inappropriate and unnecessary in the regulation and control of abuses of freedom. I have the utmost respect for the rule of law in ordering the affairs of man. The obvious alternative is anarchy and chaos. The solid pioneering work of Ontario's Human Rights Commission is a case in point. Reliance on education alone is not enough. Re-education and rehabilitation, formal deterrence and discipline, and supervision and sanctions are equally essential.

This is by no means restricted to curbing the insidious influence of hate literature. Actually it is but one symptom or aspect of an accelerated, sometimes subtle and pervasive invasion of personal privacy. Whatever is attempted by way of control in one sector of impact has inescapable implications for every other sector, including mass mailings and solicitations and the assault of the market place on captive audiences.

Many people assume, by virtue of the fact of their very human existence and experience, that their knowledge and understanding of human behaviour, re-enforced by the customs and beliefs of those with whom they live, are quite adequate for their needs and accordingly they put little stock in psychologists and professors who busy themselves exploring the obvious. Under the impact of such publications as³ Myrdal's "An American Dilemma: The Negro Problem and Modern Democracy"; Lewin's "Resolving Social Conflicts"; MacIver's "The More Perfect Union"; Allport's "The Nature of Prejudice";

² Hughes, Langston. "Harlem" from *Selected Poems*. New York: Alfred A. Knopf Inc. 1959.

³ Myrdal, Gunnar. "An American Dilemma: The Negro Problem and Modern Democracy." New York: Harper and Bros. 1944. Vol. 2.

Lewin, Kurt. "Resolving Social Conflicts." New York: Harper and Bros. 1948.

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Deutsch and Collins. "Interracial Housing: A Psychological Evaluation of a Social Experiment." Minneapolis: University of Minnesota Press. 1951.

Benedict, Ruth and Weltfish, Gene. "The Races of Mankind." New York: Public Affairs Pamphlet No. 85. 1943.

Marrow's "Living Without Hate"; Smith's "Experiment in Modifying Attitudes Toward the Negro"; Deutsch and Collin's "Interracial Housing: A Psychological Evaluation of a Social Experiment"; and such widely read pamphlets as Benedict and Weltfish's "The Races of Mankind", which are based on research, people are gradually developing greater understanding and respect for the social scientist. Slowly the gap in prestige and influence between the physical scientist and the social scientist is being narrowed.

Never, probably in the history of modern nations, has social science achieved such high recognition and such great influence as in the formal decision of the Supreme Court of the United States of America, on May 17, 1954, in which it outlawed Negro segregation in the public schools of that country. One passage of the decision reads:

To separate (Negroes) from others of similar age and qualification solely because of their race, generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

The text of the decision then goes on to refer to an earlier finding of another court which it quotes:

Segregation of white and coloured children in public schools has a detrimental effect upon the coloured children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group.

A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.

At this point, the Supreme Court decision leaves no question as to the respect it holds for social science.

Whatever may have been the extent of psychological knowledge at the time...

...at the time this earlier opinion was written—

this finding is amply supported by modern authority.

This "authority" is contained in a footnote which lists eight research publications by as many social scientists, several of whom are themselves Negroes. One of them, I am proud to say, was a member of a research staff I directed in a series of major related studies in the early forties.

Ten years ago I was commissioned by UNESCO to prepare a draft manual for teachers, as part of its program of education in intergroup relations. The following year it was used as the basis for discussion by a small group of experts in Paris. I entitled the proposed handbook "Learning to Live Together Without Hate." If I were tackling the assignment today I believe I would change the title to "Learning to Live With Hate."

Two persons, both social scientists, have influenced me in this rather fundamental change in orientation. One is the late Kurt Lewin with whom I was privileged to work when he established his now famous Research Centre for Group Dynamics at M.I.T. The other is John R. Seeley whose salutary, scholarly and sobering contribution on "Some Radical Problems in Intergroup Relations" in "A People and Its Faith"⁴ blasts one down to bedrock. The opening sentence of his chapter reads:

⁴ Rose, Albert, editor. "A People and Its Faith." Toronto: University of Toronto Press. 1959.

Two outstanding follies beset the human adventure: the setting forth on enterprises inherently impossible of accomplishment, and the failure for fear of failure to embark on those that could hardly fail to succeed. (p. 85)

It is almost Churchillian. It may be useful to pursue Seeley's thought. He writes:

There would seem to be, broadly speaking, three major ways to reduce "intergroup tension"... (1) We might hope to reduce the general or average level of hostility or hate in people; (2) We might hope to leave the level where it is but erect stronger barriers to its expression, or to its expression in particular (e.g. naked and effective) forms; or (3) we might, alternatively, hope neither to affect the level of feeling nor to alter modality of expression, but to divert the expression on targets other than those now customary. (p. 95)

What Seeley seems to be saying is that experience and research indicate, despite significant social evolution, that there is latent in everyone reservoirs of hate and that sublimation to appropriate targets offers the only sound and promising course. "What seems to be more nearly true," Seeley continues, "is that love and hate, like murder, will out, and that the matter of latency versus manifestation... is not of first importance.... Programmes of suppression—whether initiated or directed by the self or others—have, therefore, little to recommend them." (p. 96)

Seeley then argues that "This leaves us with the question of target. It may be put thus: given a certain level of hate, and a certain necessity of expression thereof, what in terms of objects, is the morally optimum distribution of that hate and its expression. If it is possible to ask them, 'Whom should we hate?' or more exactly, 'Given our hate, whom may we hate', insofar as we have choice, 'with least illegitimacy'—I think we may return a rational answer: those at the root, if such there be, of the hate-engendering system". (p. 96)

This conclusion of Seeley's comes very close indeed to the position taken by Kurt Lewin in his classic paper on "The Special Case of Germany"⁵, and I believe I can say without fear of contradiction that no social scientist in our time has made such profound, imaginative and positive contributions to the understanding and resolution of hostility in human relations. Lewin's perceptive analysis of Germany downgrades the frustration-aggression formula so popular in America prior to Pearl Harbor. Instead he examines Nazi culture itself in depth, "a culture centered around power as the supreme value and a denunciation of justice and equality of men as the disgusting remnants of a decadent democracy" (p. 555) and where "loyalty" is typically identified with "obedience". (p. 562)

The core of Lewin's position, at once complex, demanding and cryptic, is to be found in the following two related passages. These are extremely important points—and difficult to deal with, I am afraid.

The limitation of the democratic principle of tolerance toward others is defined by the maximum of "democratic intolerance towards intolerance".

I remember Kurt Lewin saying to me one day that the only thing against which we can be intolerant is intolerance.

This right and duty to intolerance is very important if democracy is to live anywhere on this globe. This principle does not, however demand conformity;—

⁵ Lewin, Kurt. "Resolving Social Conflicts: Selected Papers on Group Dynamics." Harper. 1948.

—and this is where you get into the complexity—

—it limits our rightful interest to certain minimum requirements which are probably not too different from the minimum requirements for international peace.

The other passage reads:

Only through practical experience can one learn that peculiar combination of conduct which includes responsibility toward the group, ability to recognize differences of opinion without considering the other person as a criminal, and readiness to accept criticism in a matter of fact way while offering criticism with sensitivity for the other person's feeling. (p.563)

As you may gather I am disposed to place primary reliance on a partnership between social scientists and educators.

It is not without significance that the first subject treated in the *Journal of Social Issues* when it was first published in 1945 was "Racial and Religious Prejudices in Everyday Life". This Journal which is exercising an ever-widening influence, is published by the Society for the Psychological Study of Social Issues. The Society was organized as a protest against a brand of social silence that tended to ignore problems relating to social policy and social administration. But not only was it organized to give psychologists direct access to research on social issues and to provide for a more immediate and direct discharge of social responsibility, it was organized to encourage teamwork among the social sciences themselves, all of them, and beyond that, to encourage an active partnership between social scientists and practitioners in the human service professions.

The impact of the Society for the Psychological Study of Social Issues has been profound. Slowly but surely something of the same spirit it has expressed is being evoked in other social science disciplines and in related professional organizations. And what is particularly noteworthy is that the process is unmistakably extending and expressing itself on an international scale.

With a few notable exceptions, until relatively recent date, psychologists concerned with the study of child development have given little attention to the problem of race attitudes among young children. Young children have been assumed to be immune to prejudice. An elementary school course of study published as recently as 1949 which outlines the characteristics and interests of children at various ages, summarizes the social awareness of the six-year-old thus: "Ignores sex, race and social status in work and play". This same interpretation is not unknown in well-known and recently published text books on child and adolescent psychology. Trager and Yarrow observe: "When discussed at all (in such text books) the problem of intergroup attitudes is given scant treatment. Such question as the origin of prejudice, the way it is learned, its emotional character, its role in personality and social adjustment, are not considered. Young children's expressions of prejudice are minimized and dismissed as meaningless imitations of adult speech or, as described in one text book, as 'benign verbalizations'. The more usual occurrence, however, is to ignore the question of intergroup attitudes completely, thereby implying that these attitudes have no importance in child development and adjustment. It is therefore not altogether surprising", these authors conclude, "that both teachers and parents have ignored the early beginnings of prejudice".⁶

The active involvement of teachers in research in group living and human relations is a relatively recent development. For many years research in this

⁶ Trager, Helen G. and Yarrow, Marion Radke. "They Learn What They Live." (Prejudice in Young Children). New York: Harper and Bros. 1952.

area and concerning race itself was largely a monopoly of biologists, psychologists, sociologists and anthropologists. Such research was in the tradition of "pure scholarship" with essential indifference to any possible relationship to individual or social problems. More recently, and greatly accelerated by World War II, a new emphasis has developed with the result that "operational research" or "action-research" has rapidly gained in scientific respectability. Whereas previously it was assumed that the research scientist would engage in the study of some problem of his own choosing with little, or no concern for the utility of his findings, and that application of the research findings would be the responsibility of quite other persons, the assumption underlying operational or action-research is that the selection of the problem under study is made in collaboration between the research scientist and persons with policy making or administrative responsibility and that both share appropriately in all stages of the process. What this means, of course, among other things, is that teachers, administrators, and other operational personnel are more and more becoming active partners with social science research technicians in social experimentation. Involvement of teachers in research is slowly but surely replacing the older reliance upon merely interpreting research results to them.

One of the chief reasons why greater advance has not been made in reducing racial prejudice and relieving racial and other forms of intergroup tension and hostility is that teachers have not been closely enough associated with the social scientists who have been carrying on research in these matters. Where school personnel have been vitally involved in a genuine partnership, the educational outcomes have compared favorably with the research outcomes. A basic assumption is that effectiveness in educating for healthy group living depends as much on science and research as does effectiveness in educating for healthy personal living. We encourage and we eagerly make use of the results of research and experimentation in meeting the needs of the physically handicapped child. We seek out laboratory findings and advances in technique in overcoming reading and speech deficiency. We count heavily upon clinical knowledge and skills in our attempts to re-enforce educational programs with appropriate therapy where children suffer from serious personality disturbance.

Young children of whatever race, if they find themselves in a minority status, and if because of this status they experience rejection by their classmates or playmates, may be thought of as socially handicapped. A blind child, a deaf mute, or a young victim of polio may be less isolated than a child who happens to have a skin colour different from the other children in his classroom. Defects and deficiencies in individuals related to reading, speaking and writing, are paralleled in groups where communication often breaks down completely or becomes distorted beyond recognition. The inner and outer conflicts of minority group members, the related patterns of frustration and aggression and the prevalence of self-hate (rejection of one's own group) enlarge and accentuate the problem of mental and emotional ill-health. Those who are the objects of prejudice, discrimination and rejection are not the only ones who suffer from hate. Those who hate are victims also. Evidence accumulates to confirm the hypothesis that prejudice, like all behaviour, is purposive and that it serves certain personality needs. One recent research throws considerable new light on the dynamics of prejudice and shows a marked relationship between authoritarian personality and group prejudice.⁷ The harmful effects of hate and hostility clearly are not confined to the intended victim.

Guesswork, uninformed opinion, and vague generalities need no longer handicap teachers or parents in their approach to the needs of children where race and race relations are involved. Scientists have supplied conclusive and

⁷ Adorno, T. W., Brunswik, E. F., Levinson, D. J. and Sanford, R. M. "The Authoritarian Personality." New York: Harper and Bros. 1952.

compelling evidence that no so-called "race" is superior to any other "race". Through the United Nations' Declaration of Human Rights civilized society has added its moral sanction. The prophets and the leaders of the world's great religions long since have enshrined the ideal of human worth and dignity in the very centre of their value systems. What is now needed more than anything else is to square the moral ideal and the scientific facts regarding race with our attitudes and conduct. A key person, if not the key person, in this urgent undertaking, is the teacher and especially the primary school teacher. Teachers are the "gate-keepers" in the process of social change. Two prerequisites are indicated: before a teacher can hope to be effective in reducing hostility and rejection and in building up respect and acceptance in the attitudes and behaviour of young children, there must be clarity and conviction on the values of diversity and on the infinite worth of the individual person, and there must be confidence and commitment in experimenting with new approaches in education for group living.

In a foreword I wrote for the book "Action for Unity"⁸ I referred to it as the record of a reconnaissance—the social topography, as it were, in the battle against bigotry and bias. I suggested that it supplied a strategic guide to the war against prejudice and persecution.

There are serious limitations however in this implied military analogy. Group hatred and hostility are the symptoms of a disturbed, distorted, and diseased group life. To bring such under control requires not revenge and retaliation, but rigorous research and a realistic therapy. Militancy, to be sure, is needed, but it is the militancy of the socially sensitive and politically astute medical scientist, not the militancy of the military scientist.

Hate is a disease, a contagious disease, and clearly one that cannot be handled satisfactorily, with our present knowledge, by a general practitioner, nor by a single specialist, nor by a public health officer. It requires both individual and community diagnosis and treatment. It requires basic and extensive experimental research. It requires the unprecedented teamwork of specialists, technicians and citizens.

During World War II the social scientist took his place, with dignity, alongside the medical and physical scientist. To the contributions of the physicist, the chemist, and the technologist were added the contributions of the anthropologist, economist, political scientist, psychologist, psychiatrist, and sociologist. A vast, synchronized, scientific operation piloted the very planning and prosecution of the war itself. Psychological warfare came into its own. Morale targets became as important as cities to be bombed; the shattering of faith a higher priority than the detection and demolition of ammunition dumps; the improvement of leader-group relations and the techniques of rehabilitation as crucial as the designing and refinement of radar.

This phenomenal acceleration in the development and productivity of the social sciences, though occurring under the compulsion of war, may yet prove at least one great boon to mankind. Paradoxically, the atomic scientist, freshly alerted to inescapable social responsibility, may now be even more sensitive to this possibility, this necessity, than the social scientist himself.

The social sciences will prove a boon to a war-wearied world, if, under the compulsion of peace, they can mobilize the will, the daring, and the creative energy required. What now is involved is the conquest of conflict itself. Before man can control the atom he must learn how to control himself.

⁸ Watson, Goodwin. *Action for Unity*. New York: Harper and Bros. 1947.

Social scientists probing the nature of prejudice, diagnosing the distortions of discrimination, and seeking out the sources of segregation are slowly but surely illuminating the grotesque mental world of the bigot. Probably no one has provided a more accurate analysis than Gordon W. Allport of Harvard. His portrait of "The Bigot in Our Midst" published in *The Commonwealth* in October 1944, during the Second World War, remains a psychological classic. Toward the end of his penetrating evaluation, an assessment that reveals the high priests of hate for what they really are, Allport sounds a warning that is as relevant today as it was twenty years ago when he wrote his article. I have in mind, of course, newspaper reports of recent sessions of the Post Office Review Board which heard testimony from a Canadian representative of the National States Rights Post of Birmingham, Alabama.

The primary lesson of this war, wrote Allport,

not at all learned by Americans, is the connection between fascism and the latent bigotry in people who are not technically fascists. People who have the character structure of the bigot embrace fascist principles and techniques to protect their prejudices. But they seldom realize that they are doing it. More likely they invoke democratic symbols to justify their attacks (states' rights, private initiative, freedom of speech and the like). What people do not know is that fascism can come to this country under the banner of 'democracy'.

May I conclude by recounting a moving story told by James Gordon Gilkey in his book "You Can Master Life".

In 1909 a young coloured teacher named Laurence Jones settled in a poverty-stricken community in the Black Belt of Mississippi. The town was called Braxton, and the children were some of the neediest and most ignorant in the entire south. Jones had worked his way through Iowa State University, and now was eager to organize a school in this underprivileged area. No building was available, and he was obliged to hold the first sessions of his school in the open air under a huge cedar tree. Eventually he secured the use of an abandoned cabin, drove out the bats and owls that were nesting there, put a new roof on the building, and then moved his pupils indoors. For the next eight years Jones gave his very life to the task of teaching those needy youngsters and their parents. Under his efforts the level of the whole community began to rise. Then, wholly unexpectedly, a near tragedy overtook him.

One night a crowd of white men, many of them drunk, set out on a lynching party. Jones was the negro they happened to meet. Ironically enough, he was at that time walking home from a little church in which he had been preaching. He was seized by the gang, dragged to a huge tree and there asked jeeringly if he had anything to say before he was lynched. He explained quietly that he was a teacher, a graduate from a white man's college. Then he told the story of the Braxton school, and explained how much help it had already brought hundreds of coloured children. As he recounted the struggle of his preceding eight years, the men who had planned to lynch him crept away silently into the surrounding darkness. Finally Jones found himself entirely alone with the lyncher's noose still resting on his shoulders. He shook off the rope and walked home to Braxton. He was asked later if he did not hate the men who had nearly murdered him. His reply is infinitely suggestive: "I'm too busy running my school to think about them. I haven't time to hate anybody."

(Applause)

The CHAIRMAN: I might tell you, sir, that we are not accustomed to hearing applause in parliamentary committees. This is evidently a spontaneous reaction to what you have said.

Mr. ENNS: I count it a privilege to have been at the presentation of this very learned dissertation by Dr. Hendry. I think it is correct to say that the frame of reference of the committee has been widened and enlarged by the kind of thought you have given us to contemplate.

I do not really have any question, Mr. Chairman; I merely want to say that I think it is proper for the committee to consider these border areas that Professor Hendry has raised before we undertake any specific legislation. I was interested in your comment that perhaps we should not legislate at this time.

Mr. BREWIN: Professor Hendry, I just wonder whether my colleague Mr. Enns correctly judged what you did say about legislation. I did not think you said there was no need for legislation; I rather gathered from what you said that you thought legislation has had an educational value in itself.

It may be quite subsidiary to other educational efforts which may be more fundamental, but were you not saying that if the community set certain standards in legislation this would have an educational value? While we would have to be pretty careful and get good advice from social scientists and experienced and knowledgeable lawyers in this field, I got the impression from what you said that you felt legislation, although perhaps not primary, was nevertheless very important in this field.

Mr. HENDRY: I think, Mr. Brewin, that is an accurate interpretation of what I said. I am not competent myself to evaluate the two bills in terms of their legal efficacy.

I think the two bills are very far reaching. My only strong recommendation, I think, is that we do not move precipitously into legislation without getting the most informed legal judgment. I think it is necessary not just to obtain legal judgment but to draw in persons of the calibre of Allport who have devoted a great part of their scientific lives to the study of how one copes with hate. They know more about it than the lawyers.

Mr. BREWIN: May I ask a supplementary question?

Could you at some time furnish the committee with the names of some people such as Dr. Allport who might possibly be available to this committee? I imagine you have already given us something of the approach, but if you have a number of names it might be useful to the committee. This committee cannot go on hearing people indefinitely; we have to arrive at some sort of conclusion in the limited field permitted to us, but if you have people you would like to recommend we hear on this matter—social scientists who you say have made a special study of this—the committee I think would be very glad to try to arrange something.

Mr. HENDRY: I am very conscious of my personal limitations. It is 20 years since I have actively engaged in research in this field, and there has been a certain intellectual erosion taking place because I am committed to administration—and I feel guilty when I am found reading a book in my office, which is a terrible comment on our universities!

However, just to illustrate my intentions in this field, may I say that we are celebrating this year our 50th anniversary in the Graduate School of Social Work at the University of Toronto. We have had a series of programs, seminars and colloquia. One of the first of these was on this subject. We brought Dr. Stuart Cook—my successor in the New York program about which I spoke—all the way from Denver, Colorado, to give one public lecture on the university campus and to engage in a dialogue with social scientists in the new

Massey College one morning. I would say that Stuart Cook probably today represents the most knowledgeable and the most wise person in the field of social science in these matters in North America. He would be one I would recommend.

The CHAIRMAN: May I ask, sir, whether the record of his contribution at Massey College would be available as an appendix to your comments today?

Mr. HENDRY: We did not obtain a manuscript. I would have to check to find out if he has one he would allow us to use.

Mr. HERRIDGE: Professor Hendry, I was very interested in your most informed address. I was interested in your remark that not only do we need legal advisers to advise us how to put certain things into law but that we should obtain the advice of persons who are possibly more associated with the problem with which we are faced, in many fields. I think that was a very good suggestion indeed.

Mr. ENNS: In my own defence, Mr. Brewin, with all respect I did not mean to imply that Dr. Hendry had advised against legislation as such but rather against implementing these two bills immediately. I think he made some cautionary comment about this.

Mr. BREWIN: Do not draw any implication that you misunderstood from what I said.

Mr. HERRIDGE: Would you say, Dr. Hendry, that we should do what we can in the first instance to build up the right climate for this sort of thing?

Mr. HENDRY: I think that is an ever present obligation.

Mr. DINSDALE: I would like to join my colleague Mr. Enns in commending the professor for introducing these new dimensions into the thinking of this committee. Certainly we would agree that social science has a great contribution to make in a better appreciation of the problem.

I wonder if Dr. Hendry would care to comment on this aspect of the problem. Social science in itself is morally neutral, and it is a matter of record, that one of the reasons for the success of the Nazi propaganda activity was due to their use of social scientific techniques. Germany has been a leader in the field of social science research.

What I am trying to get at here is that social science with a certain moral emphasis has a great role to play in resolving, through the educational process, this problem of intergroup relations. On the other hand, it can be used in other directions; and I think, for example, of the writings of Vance Packard on the question of hidden persuaders being used to deliberately control prejudices. This has been largely in the commercial field but it could be used in the field of group prejudice and so forth.

Mr. HENDRY: It is a very crucial question that you are raising and there are many ways of approaching it. One immediate observation would be that the social scientists represent resources or tools very much like the military sciences, but in military science the control is in civilian hands. Surely, by analogy, the social scientists are in the hands of the society and the government, the leaders, who determine social policy.

I was tremendously impressed a couple of years ago when in the journal *Science*, which is the official journal of the American Association for the Advancement of Science, a very large part was devoted to a report by a panel of social scientists appointed by President Kennedy to advise on the role of social science in the development of social policy in the United States. To me it represents one of the most historic documents in the annals of the history of science. They spell out there in great detail the expectations society should have of the

social scientists. There are not too many social scientists who are ready to deliver on this basis.

I was taken to task the other day in a meeting in Toronto by a psychologist who, after I had been describing operational research, was extremely critical and felt that "Cloud 9" research was still by far the most important—the scientist in his privacy using his creative mind, developing hunches and hypotheses, whether or not the questions he wants to answer have any immediate relevance. He felt that this was the most important single thing to preserve in our intellectual heritage. He assumed that I was against that. I am not against that; I think we have to have the Einsteins; I really do. But we do not have too many of them. A lot of people think they are Einsteins but they are not. I would much prefer to take some of these would-be Einsteins and put them to work in a laboratory where we can tell them what we want them to study.

I think one way to get around this is for the government itself—as it is doing increasingly with various royal commissions—to bring in economists, political scientists and management consultants, and all the rest. I think the pattern we have to build on is the action research and operational research that developed in the first world war and which was greatly accelerated in the second world war; namely, that the problems for the social scientists are identified by those who have to confront the policy-making and the administration of programs.

Secondly, once the social scientist is aware that these problems are very meaningful to society he as a scientist re-formulates the question in scientific terms so that the neutrality of which you speak, the objectivity of which you speak, can be preserved and the very formulation of the question can be appropriate for scientific investigation.

Thirdly, in the process of carrying out the inquiry or the research or the experiment, whatever it may be, the person who asked the question in the first place should be caught up appropriately at various stages so that he is not taken by surprise when the whole thing is over. There is a certain feed back in the process so that his own attitudes, his own understanding of the implications for implementation begin to build up in the process.

This, I fear, is not a very good reply.

MR. DINSDALE: Dr. Hendry, do you feel that legislation which underscores the public reaction to some of the evidence of hate that is abroad in Canada would give a sense of direction to the people of Canada or would give some guidance to the people of Canada in this regard?

Social scientists can be brought in to advise from the standpoint of strict neutrality, but obviously in the realm of public policy the legislators have to get some positive direction and some legislative guideposts.

On that basis, do you think legislative action on the part of parliament would be helpful?

MR. HENDRY: Yes, I do. Without any qualification I do in terms of broad principle. I think the work of the Ontario Commission on Human Rights directed by Dr. Daniel Hill, who is a sociologist, and who incidentally happens to be a negro, gives us some guidance within the Canadian setting for a pretty constructive approach to some of these problems. If it is possible legally at the federal level to enlarge the sphere of influence through legal devices of one kind or another I would be all for it.

MR. DINSDALE: I presume your reservations with respect to legislative action have to do with this problem of restricting freedom of expression?

MR. HENDRY: Very much so.

Seeley, in the quotation I gave you, indicated that suppression very seldom achieves any very positive purpose or value. This is what worries me.

Mr. DINSDALE: In that case, then, you would emphasize the educational process much more than the legislative process?

Mr. HENDRY: Yes, I think I would.

Mr. DINSDALE: And particularly at the primary level?

Mr. HENDRY: Right down, yes, where the children start.

Mr. DINSDALE: The best teachers should be at the primary level. How successful have we been in Canada in achieving this desired emphasis and putting our Ph.Ds in the primary level? Do you not think that the reverse is true and that the best teachers are assigned to the upper levels and the least prepared and qualified are assigned to the lower levels?

Mr. HENDRY: No, I would not say it quite that way. I do not think the best teachers are to be found in the universities. Some of the best minds are to be found in the universities and some of the best research people, but it does not follow they are good teachers. They may be very miserable teachers. I think a pecking order has developed which puts the primary school teacher at the bottom and the research scientist at the top, particularly if he is a physicist or a chemist. The social scientist is well down the totem pole, and the social worker is pretty close to the primary school teacher.

Mr. DINSDALE: It might be helpful if we had more social scientists in politics. Have you any comment to make on that?

Mr. ENNS: I would like to follow up what Professor Hendry said about the difficulties of implementing legislation of a nature such as that considered in these two bills because of the difficulties in measuring social pollution. There are ways of measuring physical pollution, and you made significant references there, but we have not found sufficiently demonstrable ways of measuring this kind of social pollution against which we want to legislate. For this reason I am of the opinion that we must surely be very cautious about any legislation.

Mr. KLEIN: Mr. Dinsdale, I think, asked most of the questions that I wished to put to you and he put them very well. The only question I would like to ask is this: If we bring in legislation, we create a climate which you have been suggesting. Would the continued lack of legislation create a climate that would perpetuate the very thing which we are trying to avoid? Would that not create a climate which we are trying to change?

Mr. HENDRY: You are asking the same question, in a slightly different way, to which I have already given an answer, namely, that legislation does have a critical and basic role in helping to establish a frame of reference, such as expectations, sanctions, and so on, and some people can only understand the situation in those terms.

Mr. KLEIN: May I ask you another question? At the beginning of your dissertation you stated that people are opposed to change. I did not quite understand what change you were talking about to which they were opposed.

Mr. HENDRY: Any kind of change.

Mr. KLEIN: Legislative change?

Mr. HENDRY: Any kind of change.

The CHAIRMAN: Gentlemen, we have come to the end of our normal period for questions. If there are no further questions, on behalf of the committee I take great pleasure in thanking Professor Hendry for his effort and his notable contribution today. I know that what he said will be studied with great care.

We have a number of recommendations from the steering committee. There is one that I would appreciate if I were allowed to withhold for a few minutes,

if I might. May I read it to you? Leaving aside paragraph (b) which relates to the people named in that recommendation, this is the eleventh report of your subcommittee on agenda and procedure which met on December 1st, 1964. The subcommittee agreed to recommend as follows:

(a) That the Department of Justice be asked to inform the committee of the organizations that have made submissions to them on the subject of hate literature and or genocide in the last two years, and also what preparations the Department of Justice is making with respect to legislation on this matter.

Would someone be prepared to move that we proceed on the basis of this recommendation?

Mr. KLEIN: I will so move.

Mr. CHOQUETTE: I will second the motion.

The CHAIRMAN: All those in favour?

Motion agreed to.

The next recommendation is that John Humphrys, Director of the United Nations Commission on Human Rights, or his representative, be invited to appear before this committee.

May I have a motion on this?

Mr. ENNS: I will so move.

Mr. HERRIDGE: I second the motion.

Motion agreed to.

The CHAIRMAN: The next recommendation is that the attorneys general of the provinces be notified of the committee's sittings and asked to advise if they are interested in appearing or if they wish to submit briefs to the committee.

Is this acceptable?

Mr. BROWN: I will make the motion.

Mr. BREWIN: I will second it.

The CHAIRMAN: All those in favour?

Motion agreed to.

It was suggested that two outstanding representatives of church groups be invited. Perhaps I could leave it in that way. Would anyone be prepared to move that the Chairman be allowed to follow the recommendation of the steering committee, if the appearance of these two persons is possible?

Mr. CADIEUX (*Terrebonne*): May I ask why this was restricted to two church groups?

The CHAIRMAN: I do not think it was the thought of the steering committee that there would be a restriction, but we were thinking in terms of priorities.

Mr. CADIEUX (*Terrebonne*): What do you mean by that, if I may ask?

The CHAIRMAN: What I mean by that is that there are certain people of a representative character, and their appearance might make it less necessary that other witnesses continue to be called. If they could not appear, then perhaps other people might be concerned, and there would be others.

Mr. HERRIDGE: Whom do you propose to call? What are the names of the persons you are going to call?

The CHAIRMAN: I do not wish to be evasive in any way but perhaps it would be a courtesy if we could make certain investigations prior to announcing that certain people would be here.

Mr. CADIEUX (*Terrebonne*): Mr. Chairman, what I am concerned about is that I infer from what you are saying evasively—I am sorry to say that, although you probably do not mean it and I may be wrong—that you are going to be inclined to invite either a prominent protestant or a prominent catholic. To my mind this is restricting the whole purpose. Possibly this should be widened. You should not restrict the witnesses to only two religious denominations. For instance, I would think that at least a prominent jew should be invited.

The CHAIRMAN: May I simply say that in the steering committee we have already received some very helpful communications from outstanding jewish groups, and it is our hope, in the steering committee to make them available to the committee if the committee wishes to hear, as I think you must, from some of these outstanding people who would be available.

Mr. CADIEUX (*Terrebonne*): You mean the people themselves would be available for questioning?

The CHAIRMAN: Yes.

Mr. BREWIN: As one of the members of the steering committee may I say that there are some very good reasons why Mr. Matheson does not wish at this stage to name names, but there is no harm whatever in saying that the steering committee contemplated that one of the two people who would be specifically invited to come to the committee would be a representative of the Roman Catholic church, and one would be a representative of the Canadian Council of Churches which includes among its members about nine of the major non-Roman Catholic communions or denominations. I think the reason why the Chairman is reluctant to give names is that it is sometimes a delicate matter which involves inquiries regarding which representatives of these churches would be interested and qualified and could authentically speak for these two groups.

I understand the Chairman can go a stage further and say that even if we do specifically invite these two representatives we are not excluding others who may wish to come, and we certainly do not wish to exclude, for example, the representatives of the Jewish faith, or negroes, or any other group that has a special interest in our discussions and our deliberations. I think that all the steering committee desired was to give authority to the Chairman to make arrangements, through the proper officials of the Roman Catholic church and the Canadian Council of Churches, for the two spokesmen to come here. That would make it perfectly clear that although we have not as yet got the names, we can look into that and get someone. This does not exclude anyone. I suspect the Witnesses of Jehovah might wish to send someone to speak to us. They are interested in this. However, we are specifically not asking the Witnesses of Jehovah to come because they are a smaller group and not as widely representative as the two groups we are inviting.

The CHAIRMAN: Mr. Brewin stated the wish of the steering committee admirably.

Mr. BREWIN: I do not think Mr. Matheson intended to be evasive, but delicacy was required in saying who does represent these two major groups.

Mr. CADIEUX (*Terrebonne*): My main point is that I understand perfectly well and agree with the position you have taken, but I believe that irrespective of the number of people that they represent, the smaller groups should be invited, and that it should not be left to their initiative to present their case by memorandums. They should appear because they represent most of the people concerned.

The CHAIRMAN: I am sure that what Mr. Cadieux has said is uppermost in the mind of the steering committee as a result of this conversation. What

Mr. Brewin said is certainly, as I see it, a reflection of the consensus of the steering committee which met on the 1st of December.

Would someone second Mr. Brewin's motion?

Mr. CADIEUX (*Terrebonne*): I second the motion.

Motion agreed to.

Mr. CHOQUETTE: I would like to ask you a question. Do you intend to invite only one representative at a time, or do you want to get both of them here at the same time?

The CHAIRMAN: I wonder if we could leave that to the Chair.

Mr. CHOQUETTE: I wonder if it is necessary to have only one spokesman at a time. Would it not be possible to organize a sort of forum where you would have four or five witnesses? That would be very interesting.

The CHAIRMAN: I think that anything we could do to accommodate the distinguished people who are prepared to make a real contribution, provided it does not extend our hearings interminably, would be helpful.

Mr. CADIEUX (*Terrebonne*): Mr. Chairman, there is a principle involved here. The forum is between the members of the committee; it cannot be between the witnesses. That is not what we want to have here.

Mr. HERRIDGE: That is quite right.

Mr. CADIEUX (*Terrebonne*): We can question witnesses and they can supply us with actual specific information on the subject.

Mr. CHOQUETTE: Would it not be interesting to have opposing points of view? In the way we proceed we have only one witness whom we question but if we could have many people at the same time, people with different points of view, it would be more informative and more interesting.

Mr. HERRIDGE: Before you put the motion, Mr. Chairman, it is understood that the series of witnesses will be enlarged, is it not?

The CHAIRMAN: Yes. All we are trying to do at this stage is see where we are going in the immediate future.

We have the motion of Mr. Brewin which is seconded by Mr. Cadieux that the Chairman will be free after discreet advice to extend an invitation to a representative of the Roman Catholic Church in Canada and to the president of the Canadian Council of Churches or someone he delegates. Is that acceptable?

Mr. DINSDALE: Before the motion is carried I would like to ask if there has been any approach from or to the Canadian Council of Christians and Jews, who are very active in this whole field and have a practical grasp of the problem. They have not been interested only in Christian-Jewish relations but also in Indian matters and negro relations.

The CHAIRMAN: This has been discussed in the steering committee. I think I would be doing what is indicated by making it clear to every member of this committee that any specific recommendations would be most deeply appreciated by your steering committee.

As Professor Hendry will recognize, this is very much pioneer work. There has never been anything of this type done in parliament before.

While there has to be some order of reference—and that is the subject of these two bills that are before us—what we are trying to do is to undertake a thoughtful and wise study of the subject contained in the bills and, within that context, any representation you make with regard to people you feel will be helpful will I know be deeply appreciated by the steering committee.

I confess that I do not feel completely adequate for this responsibility.

Mr. CADIEUX (*Terrebonne*): I know there is the question of religious groups here, but I hope since we are aiming at some sort of control that we do

not forget to take the advice of a lawyer or someone who can direct us in this particular. I believe this legislative control is necessary. Even if the actual situation in Canada does not warrant immediate action we should be prepared.

There are so many ramifications in this particular field. For example, Dr. Hendry was talking about the professors at the lower level actually spreading this disease. I know of some instances also. If some sort of legislation is to pave the way for eventualities that might occur I think it would be necessary for us to act now, and I think we need legal advice and that we should not delay that.

The CHAIRMAN: On that point, Mr. Cadieux, I would remind all members of the committee of a prior resolution of the committee as a whole.

We followed the recommendation of an earlier steering committee meeting and asked the Department of External Affairs to make a thorough and comprehensive study of legislation prevailing along these lines in a number of other countries of the world; and this is being done at some cost and with some effort. Of course, we have today passed this recommendation that the Department of Justice—who we know are making an independent and rather technical and legalistic study of the subject—to advise us what preparations that department is making with respect to legislation in this matter.

Therefore, there are legal people who are thinking out this problem as we go along.

What I think was suggested by some member of the committee was that perhaps in our earlier evidence we were seeking to establish something of a climate and therefore perhaps we regarded it as valuable that there be large representative groups who would be heard prior to hearing from some of those Canadians who are particularly aggrieved and who represent the victims of bigotry and hatred in the country. These groups, I might say, are well organized and have been able to give a good deal of thoughtful and earnest consideration to the matter. I am sure that at the appropriate time there will be representatives of Jewish and Hebrew communities within Canada who will be able to give us something that will be quite important prior perhaps to getting down to the specifics of the legal remedy.

There is one other point that I have been asked to bring to the attention of the committee. At the present time the committee is only authorized to have 750 copies in English and 500 copies in French of the proceedings. As it was suggested at an earlier meeting, we are anxious that some of this material shall be distributed to 781 English newspapers and 121 French newspapers, and therefore it is suggested that the committee cause to be printed 2,000 copies of the proceedings in English and 700 copies in French of issue No. 34 of November 24, 1964, and issue No. 35 of December 3, 1964, only.

Mr. CADIEUX (*Terrebonne*): May I comment on that, Mr. Chairman?

It seems to me, having been a newspaper man for about 15 years, that this would be helpful only exceptionally to the newspaperman. The majority of newspapermen have not the time to go through these proceedings at length. The newspaperman is like the member of parliament—throwing everything in the basket in the morning in order to clear his desk.

Should we not include some of the teaching profession among those to whom we distribute the proceedings? Should we not send it to people in the academic world who possibly have more time and more leisure and may be more directly interested in the subject? We are to approach this subject from the educational point of view, and I wonder whether we should not prepare some sort of summary list of educators.

The CHAIRMAN: With the numbers that have been suggested—2,000 English and 500 French—we would have sufficient copies to distribute to editorial

writers across Canada, both in English and in French, and we would also have complete sets of evidence that would be available for such bodies as you suggest.

Mr. CADIEUX (*Terrebonne*): Should we not take the initiative and send these copies to them? After all, these negotiations here are almost secret.

Mr. HERRIDGE: Each member may require 25 copies of the minutes.

The CHAIRMAN: Miss Ballantine, our clerk, has pointed out to me that every university is entitled to receive a copy of these proceedings.

Is it the feeling of this committee that the Chair should be free to look into the possibility of further distributions within the limits of the printing, at public cost?

Mr. CADIEUX (*Terrebonne*): I so move.

Mr. HERRIDGE: I second the motion.

Motion agreed to.

Mr. CADIEUX (*Terrebonne*): If you do make a list of academic people to whom you will send these proceedings, Mr. Chairman, may I suggest that a letter from you would underline the eagerness of the committee here on this particular question because it is an actual problem in Canada. We are far beyond the academic interest here and we should, I think, try to take profit from the discussions that ensue.

The CHAIRMAN: I thank you, Mr. Cadieux.

May I ask every member of the committee to give consideration to those sources who would be benefited by receiving the evidence we hear?

Gentlemen, if there is nothing further I would suggest that the meeting now adjourn.

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HOUSE OF COMMONS
Second Session—Twenty-Sixth Parliament
1964

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 36

THURSDAY, FEBRUARY 25, 1965

Subject matter of Bill C-21, An Act respecting Genocide, and
of Bill C-43, An Act to amend the Post Office Act
(Hate Literature)

WITNESS:

Dr. Daniel G. Hill, Director, Ontario Human Rights Commission.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Aiken,	Fairweather,	Laprise,
Brewin,	Fleming (Okanagan-	Leboe,
Brown,	Revelstoke),	MacEwan,
Cadieux (Terrebonne),	Forest,	Martineau,
Cameron (Nanaimo-	Gelber,	More,
Cowichan-The Islands),	Gray,	Nixon,
Cantelon,	Herridge,	Nugent,
Choquette,	Jones (Mrs.),	Patterson,
Deachman,	Klein,	Regan,
Dinsdale,	Konantz (Mrs.),	Richard
Dubé,	Lachance,	Walker—35.
Enns,	Langlois,	

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

CORRIGENDA (English copy only)

PROCEEDINGS NO. 34—Wednesday, November 18, and Tuesday,
November 24, 1964.

In the Minutes of Proceedings and Evidence—

Page 1688, Line 8, the quotation should read:

“North America is God’s charity to mankind.”

Page 1696, Line 48:

For “surpassed” read “unsurpassed”.

Page 1707, Lines 7-9, the quotation should read:

“May God the best maker of all good marriages unite your hearts
in one, your realms in one.”

ORDER OF REFERENCE

WEDNESDAY, December 9, 1964.

Ordered,—That the names of Messrs. More (*Regina City*) and Walker be substituted for those of Messrs. Chatterton and Cameron (*High Park*) on the Standing Committee on External Affairs.

Attest.

LÉON-J. RAYMOND,
The Clerk of the House.

MINUTES OF PROCEEDINGS

THURSDAY, February 25, 1965.

(63)

The Standing Committee on External Affairs met at 10.10 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Konantz and Messrs. Brown, Cameron (*Nanaimo-Cowichan-The Islands*), Deachman, Dinsdale, Fairweather, Fleming (*Okanagan-Revelstoke*), Forest, Gelber, Gray, Herridge, Klein, Lachance, Laprise, Matheson, Nesbitt, Patterson, Walker.—(18).

In attendance: Dr. Daniel G. Hill, Director, Ontario Human Rights Commission.

The Chairman presented the Twelfth Report of the Sub-Committee on Agenda and Procedure, dated February 19, 1965, which recommended as follows:

- (a) That Dr. Karl Stern be invited to appear on Friday, February 26th, at 9.30 a.m.;
- (b) That Messrs. Marcel Cadieux and Max Wershoff of the Department of External Affairs be invited to appear before the Committee to enlarge upon and answer questions on the two briefs prepared by the Department for this Committee;
- (c) The Canadian Jewish Congress have asked permission to present a brief; your Sub-Committee recommends that they be invited to send a representative;
- (d) Mr. W. Glen How, Q.C., of Toronto, has asked permission to present a brief; your Sub-Committee recommends that he be invited to appear;
- (e) Dr. Henry Morgentaler, President of the Humanist Fellowship of Montreal, and Mr. Joseph La Riviere, also of Montreal, have asked to make representations to the Committee; your Sub-Committee recommends that, because of the limited time available, these gentlemen be invited to submit written briefs for distribution to the members and, if time permits, they will be invited at a later date to appear in person.

On motion of Mr. Klein, seconded by Mr. Fleming (*Okanagan-Revelstoke*), the report was approved.

The Chairman reported on correspondence received from the Provincial Attorneys General and the Department of Justice in reply to letters sent in accordance with resolutions of the Committee on December 3, 1964. (*See Evidence—Issue No. 35*).

The Chairman said that Mr. L. W. Brockington had asked that certain corrections, which he had listed in a letter to the Clerk of the Committee, be made in Issue No. 34 of the Minutes of Proceedings and Evidence. The Committee agreed to authorize the corrections requested by Mr. Brockington.

The Committee resumed consideration of the subject matter of Bill C-21, An Act respecting Genocide, and C-43, An Act to amend the Post Office Act (Hate Literature).

The Chairman introduced the witness, Dr. Hill, who read a prepared brief on the work of the Ontario Human Rights Commission, and was questioned.

During the course of his evidence, Dr. Hill quoted part of a news letter issued by the Michigan Civil Rights Commission concerning legal action taken by that Commission in two cases of racial discrimination. He agreed to provide the complete text of the news letter to the Committee, and it was agreed that the news letter be printed as an appendix to today's Minutes of Proceedings and Evidence. (*See Appendix B*).

The Committee agreed to print 2,000 copies in English and 700 copies in French of all Minutes of Proceedings and Evidence relating to the subject matter of Bills C-21 and C-43.

The questioning being concluded, the Committee adjourned at 12.15 p.m. until 9.30 a.m., Friday, February 26, 1965.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

THURSDAY, February 25, 1965.

The CHAIRMAN: Gentlemen, I see a quorum. I call the meeting to order.

I beg to report that your subcommittee on agenda and procedure met on February 19, 1965, and agreed to recommend as follows:

- (a) That Dr. Karl Stern be invited to appear on Friday, February 26, at 9.30 a.m.;
- (b) That Messrs. Marcel Cadieux and Max Wershoff of the Department of External Affairs be invited to appear before the committee to enlarge upon and answer questions on the two briefs prepared by the department for this committee;
- (c) The Canadian Jewish Congress have asked permission to present a brief; your subcommittee recommends that they be invited to send a representative.
- (d) Mr. W. Glen How, Q.C., of Toronto, has asked permission to present a brief; your subcommittee recommends that he be invited to appear;
- (e) Dr. Henry Morgentaler, President of the Humanist Fellowship of Montreal, and Mr. Joseph La Riviere, also of Montreal, have asked to make representations to the committee; your subcommittee recommends that, because of the limited time available, these gentlemen be invited to submit written briefs for distribution to the members and, if time permits, they will be invited at a later date to appear in person.

May I have a motion to approve this report?

Mr. KLEIN: I so move.

Mr. FLEMING (*Okanagan-Revelstoke*): I second the motion.

The CHAIRMAN: Those in favour? Opposed?

Motion agreed to.

May we now deal with item 2 of the agenda under the heading of Correspondence.

On December 3, 1964, the committee passed a resolution directing that the Attorneys General of the provinces be notified of this committee's sittings and offered an opportunity to appear or to submit briefs on the bills being studied.

The Attorney General of Ontario has replied by sending Dr. Hill, our witness today.

The Attorneys General of British Columbia, New Brunswick, Prince Edward Island and Nova Scotia have also replied, and their replies are on file with the clerk of the committee.

On December 3, 1964, in accordance with a resolution of the committee, your chairman wrote to the Department of Justice, asking them:

- (a) The names of organizations who have made submissions to the department in the past two years on the subject of hate literature and/or genocide;
- (b) Preparations which the Department is making with respect to legislation on these subjects.

The department has sent an 11 page list of organizations who have made submissions on these subjects, and a member of your subcommittee on agenda and procedure has arranged with the department to examine these submissions and summarize any that are relevant to the proceedings of the committee. This is a very interesting list of organizations.

Item No. 3. I have been asked by Mr. L. W. Brockington to request that certain corrections be made to issue No. 34 of the minutes of proceedings and evidence. Perhaps it would be most helpful if I were to read these precisely in his own language.

1. In the last paragraph of page 1696 the last word in the second line, "surpassed" should read "unsurpassed". It is important that this should be changed if possible as it completely misinterprets my thought.
2. In the first paragraph on page 1688, eighth line, Emerson's phrase is "North America is God's charity to mankind".
3. The correct quotation on page 1707 is as follows: "May God, the best maker of all good marriages, unite your hearts in one, your realms in one".

Do I have the authorization of the committee to have these corrections made?

Agreed.

It is my pleasure today to introduce to you Dr. Daniel Grafton Hill, Director of the Ontario Human Rights Commission.

Dr. Hill is a sociologist who has undertaken extensive graduate work in Canada and the United States. He has also studied in Oslo, Norway.

Since June, 1962, Dr. Hill has been developing Ontario's first full time administration of its human rights legislation.

We consider this an important occasion for our committee, and we welcome Dr. Hill with enthusiasm. We extend appreciation to the Attorney General of Ontario who has been exceedingly cooperative to your committee from the time it was first established.

Dr. Hill.

Dr. DANIEL GRAFTON HILL (*Director, Ontario Human Rights Commission*): Thank you, Mr. Chairman.

Mr. Chairman, hon. members, I deeply appreciate the invitation to meet with you and the standing committee on External Affairs in order to discuss the problem of hate literature. Although I have no authority to speak directly to the bills which are before you, let me say from the outset that our commission is extremely concerned about the individuals who are so demented as to advocate the extermination of any racial, religious or ethnic group. Furthermore, we sincerely hope that the committee of eminent jurists and scholars appointed by the Department of Justice will find some method of dealing with these disturbed individuals without endangering the fundamental rights of expression in respect to speech and literature.

Today, we are discussing and seriously analyzing whether we should place curbs on the merchants of hate—those full time venom peddlers. Yesterday, our country's legislators, federal and provincial, grappled with another type of prejudice and bigotry when they proclaimed that equality of opportunity should be assured, in law, for all people seeking employment, housing and public accommodation.

Mr. WALKER: Mr. Chairman, is there by any chance a French copy of the text? There may be certain committee members who may be having difficulty.

The CHAIRMAN: I appreciate your bringing that to my attention. I did send out for an interpreter but I regret there is none available at the moment.

Mr. HILL: The principle that a man should be legally deterred from translating his prejudice or his hate into practice while dealing with the public became established in the post-war years. Only recently have the public and legislators successfully challenged the statement: "You can't legislate against discrimination and prejudice". Discrimination—the overt act of denial or the stated intention to deny equality of opportunity in certain basic sectors of our society as defined in federal and provincial human rights legislation—is now forbidden. We have come to accept the kind of comment Dean Rostow of the Yale University Law School made and I quote, "Men often say that one cannot legislate morality. I should say that we legislate hardly anything else. All movements of law reform seek to carry out certain social judgments as to what is fair and just in the conduct of society".

Human rights legislation in Canada, while restricting the freedom of those few individuals who would deny equal treatment to their fellow man, insures the human dignity of all. In Ontario, Nova Scotia, New Brunswick, British Columbia, Quebec, Manitoba, Saskatchewan, there are a variety of statutes covering discrimination in employment, housing and public accommodations. Furthermore, on the federal level we have the well-established Canada Fair Employment Practices Act as well as anti-discrimination clauses which have been inserted into our Technical and Vocational Training Act; the Fair Wages and Hours of Labour Act; the Vocational Rehabilitation of Disabled Persons Act; the Unemployment Insurance Act and the National Housing Act. I might also add that in the United States there are at least twenty-six states with Human Rights Commissions and last year saw the passage, at the federal level, of the now famous Civil Rights Act.

The enactment in law of all these statutes and the increasing recognition, in law, of the dignity of man reflects the sharpened appreciation of the meaning of freedom which has become so apparent in Canada since the end of the second World War. Canada's history, its experiences in the last war, and the frightening violations of human rights in other places around the world—yesterday and today—have given Canadians a deep understanding of freedom, of its value, and of the means whereby it can be extended throughout the nation.

However, modern day human rights legislation is predicated on the theory that the actions of prejudiced people and their attitudes can be changed and influenced by the process of re-education, discussion and the presentation of dispassionate socio-scientific materials that are used to challenge popular myths and stereotypes about people. In our work we place a distinct priority on persuasion and conciliation and use sanctions only when the expressed desires of the public are being thwarted. Human rights legislation on this continent is the skilful blending of educational and legal techniques in the pursuit of social justice. Enforcement procedures in all jurisdictions with which I am acquainted are wedded to a broadly-based program of education, persuasion and conciliation, and the punitive aspects of the legislation—the "iron fist"—gives way to the "velvet glove" which diligently works to create a climate of understanding and respect among all races, creeds and national groups. These procedures are creating today a climate of acceptability that soon will be considered standard behaviour norms of social decency for all people.

Our commission, which is chaired by Dr. Louis Fine, and consists of a staff of six full-time workers, have conciliated well over three hundred cases

of discrimination since the Code has been in operation. In addition, we have settled a significant number of informal cases, outside the jurisdiction of the Code, involving racial or religious conflict. Not once have we had to take on individual or company to court for prosecution and only six times has the Minister of Labour found it necessary to sign the order for a public board of inquiry. Human rights officers have conciliated discrimination cases in over twenty cities and we have come to believe that the people of our province are basically fair and will do everything in their power to uphold human dignity. Sane and responsible citizens who have prejudices can and do change. We have witnessed the remarkable transformation of a number of employers and proprietors who, having first breached the Code and then having been persuaded to comply, finally became advocates of our work and voluntarily performed acts of integration and compliance beyond our expectations.

However, our commissioner cannot directly deal with the peddlers of hate: their activities are outside the sphere of present law, and their minds beyond the influence of reason. Unfortunately, normal human rights educational processes are ineffective in dealing with twisted minds. We have, nevertheless, tried to keep abreast of their activities and to gauge their general effectiveness.

The following incidents are illustrative of the activities of professional hate groups in Ontario:

July 2, 1963, Toronto

Anti-semitic tract distributed outside Massey Hall, Toronto, at Martin Luther King fund-raising performance.

October, 1963, Toronto

A director of a Boy Scouts camp in Don Mills, Ontario, received mail containing fifteen separate items of anti-semitic material.

October 15, 1963, Toronto

A shopkeeper in Etobicoke reported that her window had been covered with an anti-semitic sticker, and on the same day swastikas were smeared on an I.G.A. store in Scarborough.

October 20, 1963, St. Catharines

Distribution of hate literature on a door-to-door basis took place on this day in St. Catharines.

November 7, 1963, Toronto

The Canadian Jewish Congress, The Canadian Mental Health Association, the Scarborough YMCA and Rabbi Gunther Plaut of Holy Blossom Temple all received anti-semitic literature.

Throughout the balance of November and December of 1963, leaflets and pamphlets as well as scrawlings on fences and walls stating "Hitler was right" or "White men awake" were distributed or mailed to downtown and suburban residents of Toronto.

In January and February of 1964 a number of prominent people in Toronto—including Rabbi Abraham Feinberg, Mayor Philip Givens, Alderman David Rotenberg and editorial writer Mark Gayn of the Toronto Star received neo-nazi and anti-semitic materials in envelopes postmarked Victoria, B.C. They received the material frequently and consistently with increasing offensiveness.

During 1964, the peddlers of hate broadened their distribution program and the material was received by trade unions and the United Nations Association. Other cities also became targets for their efforts.

Hamilton—In September and October 1964, several hundred people received derogatory pictures and statements regarding Jews, and leaflets were also distributed at McMaster University.

Sault Ste-Marie was the recipient of this material in the fall of 1964, and in February of this year hate material found its way into the New Canadian area of the city of Port Arthur and it was also distributed in the cities of Belleville, Sudbury and Blind River.

Although this material has been primarily anti-semitic in nature geared to intimidating, vilifying and terrorizing Jewish residents, it has also been liberally distributed among Gentiles. While Jews and Negroes are the primary targets of this infamy today, the inheritors of Hitler's mantle would extend their activities to include other groups that Hitler proclaimed subordinate in his incredible hierarchy of superior and inferior peoples.

Our Commission have also noted the strong condemnatory reaction of the dailies and weeklies in our province to the activities of hatemongers.

However, the newspapers differ in terms of what should be done about hate literature. Of the thirty weekly and daily newspapers in Ontario whose editorial opinion was studied in regard to these matters, half were definitely in favour of legislative action while the other half were basically opposed or undecided regarding legislative intervention in this area.

Mr. KLEIN: Dr. Hill, you have said that one half of the newspapers were opposed or undecided. Have you a breakdown showing how many of those were undecided?

Mr. HILL: I have the breakdown in my office, yes, but I do not have it with me. I would be glad to let you have the figures later.

Although our commission has not done an exhaustive study regarding legislation in other jurisdictions in respect to hate literature, we have noted a few interesting legal developments which may have relevance for this committee. Rarely has legislation been used in this area. We have recently examined a very interesting book, "The Liberties of an American", by Leo Pfeffer in which he discusses American Supreme Court decisions regarding civil liberties. Mr. Pfeffer states, and I quote,

At common law and in most states the concept of group libel is not recognized...In a few states, however, statutes have been enacted changing the common law and subjecting to criminal penalties those who defame racial or religious groups. Such a statute was enacted in Illinois, and under it Joseph Beauharnais was indicted in 1950. Beauharnais was a racist rabble-rouser, the leader of an organization called the White Circle League of America, Inc. Serious tension arose when a Negro purchased a home in a Chicago residential district previously closed to Negroes by so-called 'gentleman's agreements'.

Beauharnais rushed to the scene of the trouble and passed out leaflets setting forth a petition calling upon the mayor and city council 'to halt the further encroachment, harassment and invasion of white people, their property, neighborhoods and persons, by the Negro.' The leaflet also called for 'one million self respecting white people in Chicago to unite', adding: 'If persuasion and the need to prevent the white race from becoming mongrelized by the Negro will not unite us, the oppression, rapes, robberies, knives, guns and marijuana of the Negro surely will'. The leaflet concluded by urging the reader to become a member of the White Circle Leagues of America, Inc.

Beauharnais was convicted. He appealed to the United States Supreme Court, claiming that his constitutional freedom of speech had been infringed. In *Beauharnais v. Illinois*, the majority of the Court, in a sharply divided decision, overruled his contention and upheld the conviction on

the ground that there was no basic distinction between the libel of an individual and the libel of an ethnic group; and since the former, like obscene or fighting words, is not deemed 'speech' within the protection of the First Amendment, so too is the latter excluded. Hence, it is immaterial that distribution of the leaflet may not have given rise to any 'clear and present danger' of a public disturbance, since that test is applicable only to the type of speech protected by the First Amendment and its purpose is to measure the extent of the protection; it is inapplicable to expressions deemed to be verbal blows rather than communication of ideas.

Very few of the numerous human rights commissions on this continent have been able to take direct action against the distribution or posting of hate literature. However, I would like to cite a recent action—the only action, so far as I know, taken by the Civil Rights Commission of the State of Michigan. Their January 26, 1965 Newsletter discussed a local hate literature case as follows—and I think this might have relevance to the committee's deliberations and I will make the full text available to you later.

I quote:

The Michigan Civil Rights Commission today issued its first two 'cease and desist' orders under powers granted it by the revised Michigan State Constitution, each precedent-setting in upholding the Constitution in widely different fields of racial discrimination and defamation. It ordered the government of Detroit's suburb, Dearborn, and Mayor Orville L. Hubbard and James Dick, director of public works, to clean that city's bulletin boards, in public buildings, of materials which 'would tend to degrade or humiliate or defame or hold up to public ridicule and contempt, the Negro race'.

In Dearborn...officials have said the display of derogatory racial material on the public bulletin boards was only exercise of freedom of speech.

Freedom of speech is an individual right, the Commission said, 'not one of government. . . The principle of freedom of speech does not permit a government to single out, to humiliate and degrade, Negroes or Jews or any other citizens. But we all know that the people of Dearborn, and the people of Michigan, do not condone this kind of municipal conduct.

The CHAIRMAN: Is it agreed that the entire text be included as an appendix, Mrs. Konantz and gentlemen?

Agreed.

Dr. HILL: Undoubtedly, Canadian hatemongers bear serious watching, but we should not overestimate their importance or their strength. To date, their sporadic efforts lead us to believe that they do not yet constitute a coherent, well organized social movement. Nor do I feel that they can gain the kind of grass roots, citizen support that has made other contemporary hate movements relatively successful—and I am here referring to the White Citizens' Council movement in the United States, the revival of the Klu Klux Klan and the misguided efforts of the Black Muslims. Unfortunately, these groups have fundamental support and are well rooted in the American social milieu.

Hate leaders need followers and a storehouse of latent hate in the populace upon which to feed. They also need an apathetic, disinterested public which, by default, will allow them to gain a strong foothold in the society. Certain factors, which I do not feel are present in our society today, must be operative to allow a hate movement to take hold. Professor Hadley Cantril, the eminent

social psychologist discussed the evolution of certain types of hate groups in his excellent book, "The Psychology of Social Movements":

In our investigation of the psychology of social movements, it is these beliefs and opinions of men, more than their routine habits of behavior, which must primarily concern us. For when these components of an individual's psychological world are violently jarred by worries, fear, anxieties, and frustrations, when he begins to question the norms and values which have become a part of him, when the customary social framework can apparently no longer satisfy his needs, then a serious discrepancy emerges between the standards of society and the personal standards of the individual. Then the individual is susceptible to new leadership, to conversion, to revolution.

Furthermore, without minimizing the venomous effect of the hate literature and its ability to take hold among some elements of the population, it can be recognized that there are numerous interested and committed organizations in Ontario operating in the human rights field and serving as an antidote to the insidious work of the hate peddlers. We are gratified to see the alertness of community groups to this menace. Without intending to overlook the many organizations that have traditionally spoken out on human rights issues, let me mention a few of the groups established within the last year.

- (a) In Ottawa we have watched the re-organization of the Canadian Citizenship Council with a set of new purposes and objectives which commits them, on a full-time basis, to the field of human rights. This group is presided over by the Hon. J. T. Thorson.
- (b) Last year our Commission assisted in the establishment of the Windsor and District Human Rights Institute, chaired by Canon Graham Lethbridge of the Anglican Church and representing numerous ethnic and religious groups in the community. They are acting as a watchdog in the Windsor area, referring cases to us, and speaking out on issues of civil liberties and human rights.
- (c) On February 11, 1965 the Canadian Civil Liberties Association was officially established with the Honourable J. Keiller Mackay as president and a board composed of eminent lawyers, teachers and professors. The purpose of this new association is to promote respect for and observance of fundamental human rights and civil liberties, particularly in Canada and to recognize and foster the defence and extension of these rights and liberties. They have already established a number of areas for study, one of which is group hate activities and the sub-committee dealing with this matter is chaired by a Mr. Vincent Kelly.

While we are gratified with the emergence and vitality of these new organizations, we should not forget that explicit pronouncements have been made by the Catholic church, all of the larger Protestant denominations, the trade union movement, and numerous ethnic organizations, morally condemning the peddlers of hate. They are flatly opposed to their activities and have advised their constituency accordingly.

However, vigilance must be maintained for, in my view, there is always enough latent prejudice and anti-semitism in our society to allow the hate-mongers to maintain a static existence. Not long ago I asked a university professor, an Anglican, and a highly placed professional woman, a Unitarian, what they felt was the most serious manifestation of prejudice afflicting the residents of Ontario. They were asked this question separately, but both of them replied, without hesitation, that it was anti-semitism, snide remarks about Jews and

harmful jokes stereotyping Jewish people. These things are said, they maintained, by the nice, intelligent and influential people in our society and, they added, nobody really wants to discuss it openly. Perhaps discussion of this question appears to make these same people feel uncomfortable and ill at ease. I would conjecture that their prejudices make them uncomfortable because their intelligence and the moral standards of the society condemn such feelings.

During the time that this problem is being studied at the federal level, our commission would recommend that certain immediate steps be considered to curtail the influence of hatemongering.

First, at the government level, one of the best antidotes to the current hate campaign is a well-informed public that knows and actively supports the human rights legislation that now exists in seven provinces. While the sponsors and employees of the Canadian hate program are busy seeking to extend their area of infection, we should be equally busy, actively creating, within the framework of existing federal and provincial human rights legislation, a heightened interest in human dignity. Just as vaccines are invented to prevent physical illness, new and imaginative educational programs can be designed to immunize the public from the current menace by instilling proper social attitudes in all people regarding race, religion and nationality. Therefore, we would invite a conference of those provincial and federal authorities responsible for administering human rights legislation to discuss the extent to which the hatemongers have been active in each province and to assess the programs they are now using or propose to use in educating the public to this problem. There are at least three provinces, Ontario, Quebec and British Columbia, in which hate literature has been liberally distributed.

In the more than two decades since passage of the first anti-discrimination legislation in Canada, there has not been one meeting where human rights administrators—federal and provincial—sat down and discussed their techniques, assessed the effectiveness of their education programs and proposed new ideas. Our commission feels that this type of communication is desperately needed and we sincerely hope that the federal government, with its well-established fair employment practices program, will give this proposal thoughtful consideration.

In Ontario we have found that the legislation cannot function for the benefit of the public, it cannot counteract the bigots in our midst unless it is accompanied by an active educational program, strongly supported by educational institutions, labour organizations, employers' groups, religious and social welfare agencies.

In the last year, these groups have gone beyond the stage of simply making statements of belief and adherence to our legislation. They are now committing themselves to actual projects, human rights programs, provocative discussion groups, human rights film nights, and the referral of cases and problems to us. Many employers, for example, now discuss proposed employment application forms with the Commission before they are printed to assure compliance with the legislation. These recent developments, a direct outcome of an intensified educational program tend to create a more enlightened social climate and make the hate peddlers work more difficult.

Last year, a high school in Scarborough asked me to address an assembly of one thousand students regarding the commission's efforts to reduce prejudice and discrimination in our province. I left the presentation, after receiving a polite round of applause, feeling that my message had not really had too great an effect on the students. The next week, the students heard a speech from a South African who attempted to justify apartheid and the racial theories currently practiced in South Africa. I was extremely gratified to learn from the principal that my material was eagerly used and liberally quoted by the pupils in repudiating this racist.

Secondly, we would recommend that the social scientists in Canadian universities give more consideration to studying and measuring (albeit some of the instruments of measurement are still crude, as mentioned by Dr. Hendry in his submission to you) the social attitudes of our population regarding hate literature and minority groups. Those of us in the human rights field have many hunches, but not enough facts. Empirical research can give valuable direction to us and thereby, increase our effectiveness.

Thirdly, while we recommend a conference among governmental authorities, true progress in the human rights field must emanate from the people themselves. They, too, must co-operate and work out educational programs to minimize the effects of hate. Voluntary, religious, educational and private organizations can create at the community level, a climate of understanding and mutual respect in which all our people of whatever racial, religious or cultural background will be made to feel that all are equal in dignity and rights.

Essentially, we are recommending an intensified effort by all of the major institutions within the society—governmental and voluntary—committed to protecting human dignity. We must recognize that racial and religious hate directed against any person threatens not only the individual affected, but the very institutions and foundations of our society.

Permit me to end on a personal note. Members of my race, Negro slaves, refugees from the tyranny and inhumanity of the American slave system came to this country in the pursuit of social justice over 160 years ago. In fact, 40,000 Negroes escaped to Canada by way of the Underground Railroad and settled in Ontario by the 1850's. They were not entirely without problems, and they faced some discrimination. But they were not enslaved and they were not chattel. They found in this land a basic acceptability and the protection of an aroused citizenry who formed abolitionist groups and benevolent societies to take care of them. Finally, they were legally protected, living in the knowledge of a ruling by British Courts that any slave who reached Canadian soil would forever be free.

I am firm in the conviction that the residents of Ontario have not forgotten their legacy and traditions in the human rights field. They have not forgotten their history and therefore will never permit a group of demented, misguided individuals to jeopardize or endanger human liberty.

Thank you.

The CHAIRMAN: I would like to thank Dr. Hill for his masterful presentation and now invite questions from members of the committee.

Mr. KLEIN: Dr. Hill, the educational program which you have stressed this morning is, you say, the effective answer to group libel. Why, therefore, should it have been necessary to introduce legislation for fair employment practices and fair accommodation practices? If what you say is correct, the educational program should have been sufficient or should be sufficient and make it unnecessary to introduce legislation of that kind.

Mr. HILL: I hope you will recognize, Mr. Klein, that I cannot speak about the legislation that is before you now. I can say, however, that we have always felt that education plus legislation—and I stress that, education plus legislation, the two wedded together—constitute the kind of program and the kind of approach we need to contain overt discrimination and bigotry.

Mr. KLEIN: You spoke about half the daily newspapers or weekly newspapers.

Mr. HILL: I spoke of dailies and weeklies; I spoke of both.

Mr. KLEIN: You said half were in favour of legislation and the other half were either opposed or undecided.

Mr. HILL: That is right.

Mr. KLEIN: If you were to withdraw or subtract from the group that was opposed those who were undecided, then the predominant view would be that there should be legislation?

Mr. HILL: I have not surveyed all the papers; however, we do receive the Canadian press clipping service. I might add, that the survey stopped at 30 when I came before you today. There are a number of newspapers we are yet to survey, and the ratio could be changed. There are certainly more than 30 dailies and weeklies in the province of Ontario.

Mr. KLEIN: You referred in your statement—and I am not quite sure of the context in which you used the term—to the “iron fist”. Did you mean that the iron fist would be repressive legislation against group libel?

Mr. HILL: No, I was referring only to our own techniques at that time, Mr. Klein. I was referring to the iron fist in the context of the board of inquiry and the necessary punitive aspect of the legislation; that is to say fines and prosecutions, which we have discussed with a respondent whom we have found discriminating. As a last resort, if we have the evidence and we know a person is active, then we invoke that part of the legislation involving prosecution.

Mr. KLEIN: You are aware, are you, doctor, that there is legislation against group libel in Sweden?

Mr. HILL: Yes, I have heard of that.

Mr. KLEIN: And many other countries in Europe; are you aware of that?

Mr. HILL: I do not know how many; I do not know the number of the countries involved, but I know some of them have it.

Mr. KLEIN: Would you say that freedom of speech, as a result of the legislation which now exists in Sweden, has been a menace to civil liberty in Sweden?

Mr. HILL: I wish I could comment on that particularly, but I have not really studied the Swedish system or any other European system that closely.

Mr. KLEIN: I think you are aware of the fact, however?

Mr. HILL: I have not heard of any contentious issue coming about because of it. Let me put it that way. But I do not know much about what has happened recently in the way of legislation.

Mr. KLEIN: Let us go back to education which you stressed. Would you not agree that the principle of love thy neighbour has been a principle of Christian philosophy for 2,000 years, and that it has been preached practically every Sunday in churches?

Mr. HILL: Yes.

Mr. KLEIN: That is education, is it not?

Mr. HILL: Yes. That is what Martin Luther King is preaching right now.

Mr. KLEIN: And this has been going on for 2,000 years.

Mr. HILL: Also I might say that education has been used by Gandhi, and by the non-violent movement in the United States most effectively in bringing about very substantial changes on the American scene.

Mr. KLEIN: You mentioned Gandhi?

Mr. HILL: Yes.

Mr. KLEIN: Are you aware that there is a group libel law in India?

Mr. HILL: I did not know of this law, no.

Mr. KLEIN: Might I read it to you?

Mr. HILL: That is up to the committee.

The CHAIRMAN: I do not want to restrict members of the committee. Following Mr. Klein I shall recognize Mr. Nesbitt.

Mr. KLEIN: Let me read to you from material which has been supplied to this committee by the Department of External Affairs. I read as follows:

Whoever—

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes, or attempts to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, feelings of enmity or hatred between different religious, racial or language groups or castes or communities, or
- (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial or language groups or castes or communities and which disturbs or is likely to disturb the public tranquility, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Would you say that this is an iron fist?

Mr. HILL: I think I mentioned to the Chairman that I am not here to pass judgment on legislation.

Mr. KLEIN: You mentioned an iron fist.

Mr. HILL: I have only come here to advise how we have approached this in Ontario in terms of our legislation. I have not come to advise this committee on the correctness or otherwise of legislation in other areas. I wish I could, but I cannot do so. I have come here in another capacity.

Mr. KLEIN: Would you say that hate incites violence?

Mr. HILL: I would certainly say so.

Mr. KLEIN: Even though it might not be present or non-existent at the moment?

Mr. HILL: Yes.

Mr. KLEIN: You would say then that hate does incite violence?

Mr. HILL: Yes.

Mr. KLEIN: Would you say that the educational program you are suggesting would be sufficient today to protect Dr. Martin Luther King from any attempt on his life?

Mr. HILL: I would say that in our society no education or legislation would protect Dr. King from attempts on his life. If a person intended to shoot Dr. King, there is no legislation in the world which would stop him.

Mr. KLEIN: I think you mentioned in your presentation that the Ku Klux Klan—an organization of which you spoke—was at the moment rather deeply rooted in a certain section of the American community.

Mr. HILL: Yes, that is correct.

Mr. KLEIN: Would you say that it might not be a very good thing to have preventive legislation in Canada before such a group should take hold as they have now taken hold in the United States?

Mr. HILL: I cannot answer that question; I am sorry.

Mr. KLEIN: You were speaking about an educational program.

Mr. HILL: That is correct.

Mr. KLEIN: Would you not say that there are thousands of people in Canada that you cannot reach and will never be able to reach with your educational program?

Mr. HILL: That is correct, but we do hope to be cutting down the number as we go along.

Mr. KLEIN: Would you not also agree that there are a lot of people in Canada and the United States and throughout the world who are susceptible to half truths?

Mr. HILL: Certainly.

Mr. KLEIN: Would you not say, Dr. Hill, that the lack of education—

The CHAIRMAN: I hope you are not introducing politics.

Mr. KLEIN: Would you not say that lack of legislation is a lack of education?

Mr. HILL: All I would say in respect of legislation is that legislation has an educative value. We have found, on the Ontario scene, that people, once they know that a law is functioning, have a tendency to respect it. Once they know what a law is about, and have been told what it is about, then it does have an educative value.

Mr. KLEIN: Would you not agree that there are a lot of people who, if they knew there was a law against something, would not be attracted to do it?

Mr. HILL: I think that is basically true.

Mr. KLEIN: And would you also comment on the statement that has been issued by the attorney general of the province of Ontario to the effect that there could be no laws initiated in Canada for group libel without infringing upon the freedom of speech?

Mr. HILL: I remember the attorney general making that comment. I concur with the attorney general's comment on this matter.

The CHAIRMAN: I must intervene to suggest that from my recollection of the conversation with the attorney general, that extract from his comment scarcely does justice to his statement on that occasion. I think it was an extract which was compressed in editing.

Mr. KLEIN: Is it not a fallacy to speak of the freedom of speech in the context of hate literature? Would it not be more correct to speak of the abuse of the freedom of speech in the context of hate literature?

Mr. HILL: The concept of free speech is being studied. What is free speech? I think this would be brought out from the circumstances of each particular case. For example, I mentioned a case in Illinois where the concept of free speech itself is being studied. But speaking to the discussion here, I think it is a requirement here that we have to examine the concept of free speech, and this again is what I hope the committee—I mean the other committee—will be doing, as well as other jurists who are studying the question of the whole concept of speech.

Mr. KLEIN: Legislation is for the purpose of eliminating abuses, is it not?

Mr. HILL: Yes.

Mr. KLEIN: Thank you. I have no more questions.

The CHAIRMAN: I hope we all recognize that we have an eminent sociologist with us today who is acting under certain restrictions or restraints in not attempting to prejudge the evidence, and to give us legal opinion which we hope to obtain later on. He also is burdened by the responsibility of holding a major post, that of senior administrator in the province of Ontario.

Mr. KLEIN: Dr. Hill, do you foresee in the educational program you are advocating, and that the human rights societies all over are advocating, that we shall eliminate libel of individuals in so far as legislation is concerned; that is that we can eliminate the legislation which now protects individuals against libel?

Mr. HILL: I would prefer not to comment on that question at this time.

Mr. KLEIN: Do you foresee in the course of the educational program that you are now advocating that we should eliminate legislation and effective measures of legislation for fair accommodation and fair employment practices?

Mr. HILL: I think that prejudice will be decreasing substantially over the years. But until we reach a perfect kind of society, we shall always have a watchdog type of commission.

Mr. KLEIN: You mean watchdog legislation?

Mr. HILL: I imagine you would not turn the clock back.

The CHAIRMAN: Now, Mr. Nesbitt.

Mr. NESBITT: I know you are not discussing various legal areas or jurisdictions, but speaking in general terms and as a sociologist, Dr. Hill, would you not say that legislative measures which might be applicable in one set of circumstances such as in France, and in India, might not be applicable in another set of circumstances, such as in Ontario?

Mr. HILL: That is true.

Mr. NESBITT: You may not care to comment on this, but what would your opinion be of a measure such as this for people in areas such as Ontario, and with respect to the background which you have described to us as a resident of Ontario, if the magistrates in Ontario might be given the power and authority to commit people who peddle hate literature for 30 days observation in a mental hospital? Do you think from a sociological point of view that this might have an even more deterring effect than punishing such persons by fine or imprisonment, because people who are sent to such institutions seldom become heroes?

Mr. HILL: I cannot comment on your recommendation or statement in respect of what legislatures might be able to do. I think I have said in my presentation that the peddlers of hate are completely beyond the pale of our kind of work. In my view, they are demented people, and the process and technique we use, as I said, are completely inadequate in dealing with them. I do not think we can touch these people. I can see nothing we can do under the present set of circumstances which would be of value at all. If we are dealing with responsible people who may have some prejudices, but who nevertheless are responsible, then it is another matter. However the former class of persons are completely outside the pale of our approach.

Mr. NESBITT: I realize that in your position you may not care to comment. But I take it that you feel, as you have said, that people who peddle the type of literature that this committee is studying are unstable emotionally.

Mr. HILL: That is correct.

Mr. NESBITT: Do you not think it might be a good idea if such people were sent up for a period of time for observation in some mental health institution?

Mr. HILL: I would recommend that this committee hear from a distinguished psychiatrist in respect of these people.

Mr. NESBITT: Thank you, that is all.

The CHAIRMAN: Now, Mr. Herridge.

Mr. HERRIDGE: I have one question. In view of the fact that the Christian churches of all faiths have been preaching the brotherhood of man for nearly 2,000 years until today, would you not think that to some extent they have failed when we have to use what you call the "iron fist" of law in order to support the Christian idea throughout the nation?

Mr. HILL: I do not like to look upon it in terms of failure. I think of failure as in the nature of an absolute type of thing. I think you have periods in history of going up and coming down. I think in spite of all the things that we have been taught in our Christian-Judaic background that we have unfortunately, to use certain areas of the law in order to contain people. You could say the same thing in terms of murder, stealing, rape, and all the other aspects descriptive of the things which have happened to us in society. No matter how much we may preach and educate, we have yet to eliminate murder and the things which have been considered essentially demeaning to the individual. I think that is the only way I can answer your question.

Mr. HERRIDGE: You do not wish to confine these crimes to those committed in group form or on any large number?

Mr. HILL: That is right.

The CHAIRMAN: Now, Mr. Walker.

Mr. WALKER: I think it is very good of you to come here today to make your presentation to us, and incidentally to cover the area of work in which your interest especially lies. You are stressing of course, and I agree with you, that as far as it goes, in the long run this is an educational program.

We are dealing with human nature, and I suppose that in every decade this has to continue. That is why I do not go along with the general idea that for 2,000 years we have been preaching something in the way of religion, and to say, therefore, that simply because we have not eliminated hatred in the human soul what we have been doing is a failure. I wonder frankly if you feel it would be of assistance to the educational program that you have been espousing if legal penalties were provided against those who have refused to be educated along the lines which you suggest? Do you not think that such penalties would be of assistance in your educational program?

Mr. HILL: Let me answer you this way. We have watched many human rights commissions established in the United States, in the states and in jurisdictions empowered to use only education and persuasion. However in each case, in each state, where they have been empowered to use only education and persuasion, we have found that within a couple of years they have had to reconsider the approach of their established commissions and to introduce punitive aspects into the legislation. We have watched very carefully those jurisdictions which did not invoke penalties in the legislation, and gave them only an educational function. We have noted that in each case they had to change the legislation. That is the only way I can answer you.

Mr. WALKER: I take it your recommendation is that in order to have such an educational program operate effectively, you must make it more punitive, if you wish, by way of legislation?

Mr. HILL: I would say that the human rights commissions on this continent recognizes that.

Mr. WALKER: This is very good. I think this point should be made. I will not ask you if you agree with this but if you could just state it.

Mr. HILL: I just stated what exists.

Mr. WALKER: Mr. Klein asked you if you were aware of the countries that presently have this type of punitive action by way of legislation. Quite a number of them were given to us by the Department of External Affairs.

Dr. Hill, do you ever get the feeling that the action taken by the human rights councils and the educational programs are, so to speak, a spraying of the leaves instead of a sterilization of the roots of this problem?

Mr. HILL: I would say I do not get that feeling in Ontario; maybe it is because of the tremendous grass roots support we have received from the

voluntary organizations, other groups, the press, and all other institutions in our society. I feel we have basic support. This is all I can say. I do not feel we are working under a handicap in administering our law.

Mr. WALKER: Have you had representations in your official position regarding the recent outcrop of hate literature? Have many groups have come to you asking that some specific action be taken?

Mr. HILL: We have had numerous letters asking what the commission can do, asking if there is any jurisdiction on that, to which unfortunately we have to reply there is not. We also had several deputations of small voluntary groups coming to us to ask what they could do in the way of an educational job in the community.

Mr. WALKER: I just have a few more questions, with your permission, Mr. Chairman.

Mr. PATTERSON: Pardon me, Mr. Chairman, I am sorry I had to be absent for a while, but may I ask whether you are entertaining supplementary questions as we go along, or whether you wish each member to conclude his questioning?

Mr. WALKER: I think it would be useful if I might interject, Mr. Chairman. Even to my scrambled mind there is a certain logical sequence to some of the questions I am trying to ask. I wonder if other members might make notes, as I have done, so that they can ask their questions in order.

Mr. CHAIRMAN: I recognize Mr. Patterson immediately after Mr. Walker, and then Mr. Gelber.

Mr. KLEIN: The committee does not necessarily accept the logical sequence of the questions, Mr. Chairman.

Mr. WALKER: I did not want to be too far out of line with the other questions that were asked.

Dr. Hill, you stated the opinion that in Canada at the moment this hate literature movement did not have the appearance of an organized effort, that it was sporadic. For this reason I assumed you felt it had not reached a dangerous proportion, simply because it was not organized. When do you consider that these sporadic effort constitute a danger, when they affect 100, 2,000 or 30,000 people?

Mr. HILL: This is the reason for which I made my second recommendation, that, with all due respect to my colleague, Professor Hendry who came here before you, we need far more information than we have about the area of infection and how much it has affected the people. We should get this information from the social scientists in Canadian universities. I think they should be able to keep us fairly well informed on the extent to which this is hurting us. I think this is the only way in which I can answer your question.

Mr. WALKER: Would the danger come from the number of people involved, who are promoting this hate literature? Six people can undertake a very successful national campaign, in fact one man killed President Kennedy, as my colleague said. I am wondering, therefore, if this point of danger, in your judgment, has not yet been reached.

Mr. HILL: My general view is that it has not.

Mr. WALKER: Is that your view because so few people are involved in promoting this movement or is it because so few people are affected?

Mr. HILL: I think few people are affected, and also I think that the set of circumstances in this society is different, at least in Ontario, from the set of circumstances where hate movements have flourished in the United States. Therefore, at this point, I have not seen them taking toll, and I doubt they would. Of course this is subject to great change, depending on all kinds of

factors, depending on factors regarding the organizational efforts, whether there is an influx of people, whether there is a change of attitude of the people. Under current conditions I do not see it as being a coherent, well organized social movement upon which large membership following can be based.

Mr. WALKER: I am not trying to nail you down on this subject.

Mr. HILL: I am trying to walk a tight rope anyhow.

Mr. WALKER: For instance, in my own riding there are 30,000 Jewish people. This is why I am trying to question you on this point. I am particularly affected in my riding. This has gone past the danger point in importance because it is so concentrated in this area. If you take the standpoint that sometimes you do reach a danger point where punitive legislation is necessary, I would say that it is happening right now in my riding. I am wondering where your figures come from.

Mr. HILL: The only figure I have is reached by looking at the whole province and the extent to which this has affected the people in the province. As I said, I do not believe that this movement has taken on a serious proportion or has the kind of background or strength that it has reached in other places. I do not think we should overestimate its importance or strength at this time. I am not saying that next week we will not have to look at it in another way, but certainly right now we should not overestimate its importance.

Mr. WALKER: If you received 500 or 600 letters on this particular subject, would this lead you to feel that it was getting pretty serious?

Mr. HILL: I have to think about the letters and the attitude of the people who received those letters, and what they did about it, how they functioned regarding them. I will come back to my original recommendation, that I would like to see a survey and interviews of the people who have received this material outside of the Jewish community. I would like to find out exactly, by carrying out a survey, the extent to which there is concurrence and what kind of feelings there are, the extent to which the other groups are affected by it and concur with the nonsense that is peddled out in hate literature. This type of thing has not yet been done. We do not know what we are dealing with basically other than the few examples I gave you of the professor and the lady; we do not know what the public thinking is in terms of those people who have received hate literature. I am not talking about organizations. Organizations have condemned it categorically, the institutions of our society have condemned it categorically, but I am talking about what we might term Joe Lunchbox, anglo-saxon, white, non-jewish, who has this material. What do our scientists know about this man and how he is receiving it? We do not know that.

Mr. WALKER: There will be an increasing number of those people who are outside the Jewish community who will be getting this material, as I am getting it, because I have identified myself with the move to do something effective about this social problem.

I have one more question. My colleague, Mr. Klein, mentioned certain countries. He asked Doctor Hill if he was aware of what I would call highly civilized countries which at the present moment have decided that they need punitive legislation to back up the educational program. For instance there is Denmark which has amended its criminal code to include group libel as a criminal offence and which carries with it mandatory imprisonment. The following are the countries which have this legislation: Denmark, Germany—who, of all countries, understands the seriousness of this—Netherlands, Norway, Sweden and India.

Mr. Chairman, I am sure Doctor Hill would be interested in having this for his information.

Mr. HILL: We could trade this information.

Mr. PATTERSON: Dr. Hill, you stated, I believe, that the experience of human rights commissions has been, in the light of the two or three years' experience they have had, that education programs alone were not adequate to meet the situation and that they had to change their approach to include the punitive aspect. Has the subsequent passage of punitive legislation succeeded in the areas where educational programs alone have failed?

Mr. HILL: I would say that the number of cases of settlement and cases of correction of injustices has been higher since the change in the legislation in those states, for instance, where they had legislation providing only for education. I cannot cite to you the states and the case loads, but the incidence of settlements and compliance has been greater with the change in the legislation. That is all I can say. I do not have the document with me but I could provide it for you later.

Mr. GELBER: Mr. Chairman, I agree with Mr. Walker and others that we have had a very excellent presentation by Dr. Hill, and we are grateful to him.

Dr. Hill, would you say that prejudice in our society is a social norm?

Mr. HILL: I would say that it would be a rare individual who does not have some kind of prejudice. By the word "prejudice" I mean an emotional feeling, a state of mind, about a religious, national or racial group.

Mr. HERRIDGE: I admit I have one prejudice, I am prejudiced against the Nazis.

Mr. HILL: I am saying that most of us in our society have some type of prejudice. You can start with that as a given fact.

Mr. GELBER: In some societies the norm of social prejudice is much stronger than in others. Would you say that law is a factor in changing social norms?

Mr. HILL: I would say that law creates and assists in creating a climate of acceptability regarding this whole concept of human dignity and rights. Where the law spells this out, it helps in setting a pattern of behaviour; it does assist in establishing social laws.

Mr. GELBER: Would you say that is the most important value of law?

Mr. HILL: This is a difficult question. There were anti-discrimination laws on the statute books in some parts of this province and in many states for years and years, but all they did was to prohibit people from discriminating. I think the Ives-Quinn bill, which was the ice-breaking piece of legislation in the field of human rights, a wedding of law plus education, plus, of course, all kinds of other things, provided a very effective technique. Instead of saying, "Thou shalt not", it added "We will do all of these other educational things as well". The anti-discrimination statutes before 1945, for instance in the United States and in Canada, were basically far less effective than those that have now been established with a built-in major educational component.

Mr. GELBER: You were saying that a more effective law is a more effective moulder of social norm but that it is insufficient and requires a vast educational process as well. As a sociologist, Dr. Hill, do you not feel that law should express the highest ideals of our society?

Mr. HILL: When I think about the laws that have been passed in Mississippi, Georgia, and other places, that have robbed people of human dignity consistently and irrevocably, I would say this is questionable.

Mr. GELBER: I said "should".

Mr. HILL: I did not hear you.

Mr. GELBER: Would you agree with that?

Mr. HILL: Yes, I would agree. I keep thinking of the number of laws that have not done so.

Mr. GELBER: Therefore in establishing laws expressing those ideals of our society regarding the relationship of man to his neighbour, in dealing with discrimination, it is not really vital, in terms of the intellectual importance of the law, whether 10,000 or a million people are being discriminated against. The laws must still express our horror of discrimination and attempt to set up rules against discrimination. Would you say that is correct?

Mr. HILL: Yes, basically. I have a few things that I would like to say but I prefer not to at this time.

Mr. GELBER: Then you feel that in terms of the intellectual importance of the law the question of numbers is a factor?

Mr. HILL: Would you amplify what you mean by numbers here?

Mr. GELBER: I was interested in your presentation about the extent of discrimination. You have measured that. I was just wondering whether the scattered nature of this agitation which we are discussing could be used as an argument against legislation.

I would like to ask you whether the law should not express our sense of brotherhood and therefore the extent of the agitation is a social problem with which we have to deal in terms of legislation. Legislation is just as important whether 10,000 people are being discriminated against or a million.

Mr. HILL: I think I commented on this already. I prefer not to answer that question directly. I did say that all I was trying to do was to state what exists in terms of the state of infection.

Mr. GELBER: I appreciate that.

Dr. Hill, you dealt with the experience of the province of Ontario, with which you have had a great deal to do. Do you feel that anti-discrimination legislation in the province of Ontario has widened freedom for the citizens of Ontario?

Mr. HILL: Widened freedom?

Mr. GELBER: Yes.

Mr. HILL: What I think has happened, of course, is that the laws properly made known have allowed more people to protect their human dignity.

Mr. GELBER: So it has widened rather than abridged freedom in Ontario? Would you say that?

Mr. HILL: I think this is quite true.

Mr. GELBER: That is a problem with which we are very much concerned here. Some opponents of legislation dealing with discrimination feel it restricts freedom. I wonder whether a properly phrased law, properly conceived, would not actually enlarge freedom in our society.

Mr. HILL: This is a question which will have to be decided by the eminent jurists and scholars who have knowledge of whether or not this can be done.

Mr. GELBER: You are not a jurist; I am not a lawyer. You are an eminent scholar and you are a sociologist—

Mr. HILL: I am a sociologist turned administrator!

Mr. GELBER: Do you feel that the citizen is entitled to enjoy peaceable society in his home among his friends, regardless of the danger of a prejudice? Do you feel he is entitled to freedom from the irritation of prejudiced agitators invading his privacy? Do you feel he is entitled to protection against that?

Mr. HILL: It depends upon the kind of thing you are talking about. I would have to have that enunciated very clearly. Again, this might become a legal discussion, and unless you enunciate your thought more clearly I do not think I can answer your question.

Mr. GELBER: I am thinking of what has happened in the province of Ontario. You have described the dissemination of literature of very considerable violence. Does it really matter fundamentally? I suppose it does matter; but is it not also important that the literature has been directed against Jewish citizens of Ontario, destroying their peaceable enjoyment of society? Is that not also important, or is it only important when it goes to non-Jewish citizens?

Mr. HILL: I would say the problem is important for all of us.

Mr. DINSDALE: It has been mainly lawyers who have been asking questions—

The CHAIRMAN: Mr. Patterson is a clergyman and Mr. Gelber is a financier.

Mr. DINSDALE: I should have said that most of the questions have pertained to legal problems.

I would like to take advantage of Dr. Hill's presence, and his broad knowledge of the social sciences, to put a few questions dealing with that area of our deliberations.

I was interested in Dr. Hill's comments on the role of demented people in this problem. I am wondering if Dr. Hill would enlarge on the idea that certain sociologists are discussing these days that these so-called demented people are products of a "sick society". In other words, it is said that they have emerged out of the cultural and social setting that is a part our modern world.

Mr. HILL: This is not necessarily true. They could be in a "good society" and still be very demented.

I think one of the great rabble rousers involved on the Canadian scene and some on the American scene supposedly came from very good homes, homes imbued with religion and have good educational backgrounds; but in spite of this they took a turn and showed their demented attitudes in terms of racial prejudice, discrimination and rabble rousing.

Psychiatrists, I think, could give you a better answer than I. They, I think, could tell you a little more accurately whether or not the behaviour of demented individuals can be explained strictly in terms of the social milieu. I think there are factors, in terms of why an individual has taken on a particular behavioural pattern, that cannot be explained by the social milieu or environment. This, again, is where you would need a wedding of sociological information, information about the social milieu, plus information of the psychiatrists. We also need to examine the individual, study him, and obtain information resulting from a medical examination, to find out what kind of abnormality he may have. So the explanation does not necessarily lie in the environment or the social setting.

Mr. DINSDALE: In some cases men and women who could be regarded as having abnormal personalities have assumed positions of power and authority and positions of responsibility in the power structure of society. That society would have to be a "sick society", would it not?

Mr. HILL: If you can make sickness and apathy synonymous, perhaps so; but sometimes they assume this condition because of apathy. If you want to say that apathy and sickness are synonymous, then perhaps you are correct.

Mr. DINSDALE: Would you say the problems of hate literature are more common in urban centres than in rural centres?

Mr. HILL: We certainly have indications of hate literature being distributed, mimeographed and circulated out of a rural setting or semi-rural setting as well, of course, as from the urban centres. Primarily it is an urban phenomenon, but we know it is also happening in the smaller cities of Ontario and the United States. Of course, the urban setting allows the hatemonger far more scope for his activities. But we know that they are also busy on the rural scene.

Mr. DINSDALE: From where is the current wave of hate literature originating? Is it mostly concentrated in one centre?

Mr. HILL: I think in my submission I said it was distributed in Sault Ste. Marie, Blind River, Belleville, Sudbury, Toronto and Hamilton. Interestingly enough, we have had no reports that it has come out of Windsor yet. It has come from eight or nine urban centres at least in Ontario, and I can speak only for Ontario. I know it has been distributed in Quebec and in British Columbia, but I cannot tell you definitively where or what has happened.

Mr. DINSDALE: Would you care to enlarge on the point, Dr. Hill, that hate seems to polarize around the concept of race. Why do you think that is so in our society rather than polarizing around other group differences?

Mr. HILL: I cannot particularly agree with you. I think hate also polarizes around religion.

Mr. DINSDALE: That was to be my next question.

Mr. HILL: Race in terms of colour: this concept of race is a confusing one at times. People mix race and religion, even though race is a concept that sometimes is used to include Jewish people and religious groups. It has been thought of, even though the parameters are fuzzy, in terms of colour—mongoloid, caucasoid and negroid are the three basic racial groups. But I would say that hate is just as strong in the area of religious groups as racial groups—mongoloid, caucasoid and negroid—and it is also reflected in nationalism.

I would also say that hate seems to carry on along a continuum. We deal with hate every day in the Ontario Human Rights Commission. We deal with people we can get to, people we can talk to, people we can embarrass. In time we can make them feel differently and they can change. Those people are on one end of the continuum, or perhaps rather towards the middle or the left of it. On the far extreme of the continuum we have the person who hates, the rabble rouser, the person who is a member of a Canadian hate movement, the person who distributes this type of literature, who has a visceral response, an emotional response to minorities that is terrifying. This is why I equate it with a demented person, although this is subject to review by a psychiatrist. Those are the people who are on the extreme end of the continuum. But, thank goodness, we feel that three quarters of the people on that continuum can be reached, can be touched, can be changed, and their hate can be eased. It is the other quarter, or less than a quarter—in fact, it is far less in Canada—who are on the far end and who have what we might call a highly emotional near-visceral response to certain racial and minority groups. We just cannot deal with these people by using ordinary techniques.

Mr. DINSDALE: Would you say that as a spirit of nationalism subsides racial discrimination tends to become less virulent? A moment ago you quoted racism and nationalism. As the rabid spirit of nationalism subsides would you, as a social scientist, say that this would tend to reduce the group discrimination that comes about as a result of various racial groups?

Mr. HILL: It seems to do so, but I do not think we have enough material to say anything definitive about that. It seems that as there is a diminution of great pride in nationalism we see a similar diminution in this other area as

well. I would not like to comment definitively on that point. I would like to be able to cite studies and other material to back up what I am saying, but I think you are basically correct.

Mr. DINSDALE: You are on the side of the optimists? You feel that the situation is growing better rather than worse?

Mr. HILL: In Ontario, yes. I speak only for the province of Ontario. I dare not speak in this room for any other. I am very hopeful of what is happening in Ontario.

Mr. WALKER: May I ask a supplementary question, Mr. Chairman?

The CHAIRMAN: Mr. Walker.

Mr. WALKER: From what you have said in answer to Mr. Dinsdale I take that you feel the people who are disseminating hate literature in Canada at the present time are not doing so because Canadian society as a whole is a "sick society"? Is that a fair statement?

Mr. HILL: Again I speak for Ontario: I certainly do not think the Ontario society is a sick society.

Mr. WALKER: Neither do I.

Mr. HILL: I think it is a very healthy society and I think there are enough counterbalancing forces to enable us to arrive at a solution to this problem.

Mr. DINSDALE: I should have been more specific when I referred to a sick society. I meant a society in which the basic institutions are not functioning adequately—the family, the church, education and so forth.

Mr. NESBITT: Mr. Dinsdale comes from another province!

Mr. WALKER: Would you say this condition results from a careless or lethargic society?

Mr. HILL: I think one of the commission's larger problems is lethargy and apathy, but it can be worked with once it is pricked a little and once one starts discussing and talking to people.

Mr. WALKER: Do you not agree that it is because we are not a sick society that the hatemonger stands out? He is in sharp contrast to the rest of society.

I would suggest it is because of that that we are here today in this external affairs committee. I would suggest it is because we are not a sick society. Frankly, I doubt if we are a lethargic society in Canada. We are seized with the problem.

I have just one more question, Mr. Chairman. In your judgment, which comes from your studies, to what would you say a successful hate campaign is a prelude?

Mr. HILL: In answer to that question I think I would refer the committee to a book by Professor Hadley Cantril of Princeton, "The Psychology of Social Movements". In that volume Professor Cantril analyses the development of the nazi party and a few other parties, which engaged in successful hate campaigns culminating in totalitarianism. You may care to look at Cantril's point by point analysis of the societies—and, of course, they have different histories and varying cultural differences, and many other differences; I am not trying to equate these things. He brings us right through the period of development of the nazi party and the hate campaigns, he studies them and what happened after them. I submit Cantril's analysis for you to look at in terms of what actually happened.

Mr. WALKER: Can a hate campaign be thought of as a political weapon for changing a political society?

Mr. HILL: It has been used, and it has been used politically.

Mr. KLEIN: May I ask a supplementary question?

Dr. Hill, would you say that Hitler in 1923 was no menace?

Mr. HILL: He did not appear to be a menace at that time.

Mr. KLEIN: But in 1933 he became Chancellor of Germany.

Mr. HILL: There were certain conditions in the social milieu in Germany that must be noted. I do not want to slide over into an analogy that cannot actually be made.

Mr. KLEIN: Would you agree that Poland, Czechoslovakia, Hungary and all the countries which are now behind the iron curtain have lost their freedom as a result of what can be traced directly to Hitler in 1933.

Mr. HILL: Certainly. He had quite a bit to do with it but I would not say he constituted the total factor in their loss of freedom. There are a number of factors in this situation, and it would be oversimplification to attribute the present position to that one fact.

Mr. KLEIN: In the south a man's swimming pool was violated by some colored people—

Mr. HILL: By some "non-violent" people, yes.

Mr. KLEIN: The owner of the pool introduced some kind of poison, I forget exactly what. Would you say a man such as that ought to be educated or prosecuted?

Mr. HILL: I would say the man who threw that material in the pool—and I forget what it was but I think it was a type of material that could seriously impair the health of individuals involved—needs both education and prosecution. He also needs psychiatric care. He may even need to be taken care of in an institution.

The act of jumping into the pool might have been a violation of the owner's property. I do not remember all the details. He poured something into that water that could have seriously hurt those people. Anyone so disturbed that he would poison the water to an extent that it could impair the health of people acting in a peaceful and non-violent manner needs help.

Mr. KLEIN: They violated his freedom. It was his freedom to decide who should go into that swimming pool. They violated that freedom. Would you say freedom of speech exceeds human rights?

Mr. HILL: I would not like to become involved in a discussion on freedom of speech and human rights.

Mrs. KONANTZ: Mr. Chairman, Dr. Hill gave us two or three very good recommendations, one being that we should support human rights programs and that it would be advisable for us to convene some kind of conference with representatives of the different provinces. I think this is an excellent idea because we who are sitting here are just a group of people who are terribly interested in this whole subject. I am from Manitoba and I have been deluged recently with letters on the subject of hate literature. It seems to me that if there is anything we can possibly do to strengthen these organizations throughout the country, we on this committee should make every effort to do so.

My second point was that recently, during the Christmas recess, I happened to be in the United Arab Republic. There was a terrific anti-American demonstration going on at that time, a great feeling of animosity towards the Americans among the university students, and the Kennedy library had been burned. People felt very anti-American. I had to protect myself continuously by telling

people I was a Canadian. I am not comparing the United Arab Republic with Canada but I think one realizes how quickly hate campaigns can be aroused. We in Canada are living in a very peaceful country and should make every effort to ensure that such a thing could not happen here overnight. For this reason I would like to see us make a study and exchange ideas with all the provinces which are working on this question.

Mr. HERRIDGE: I was very interested in Dr. Hill's remarks about the value of education because we all know that various groups and organizations, and even governments, make pronouncements on this. However, I meet a lot of people who are concerned with the daily problems of living and who are apathetic about this whole problem of human rights and freedom of speech, and so on. What would you recommend should be done to get the participation of the ordinary people at the community level and particularly in the schools? What would you suggest should be undertaken at that level? I think the closer it comes to the people and the smaller the groups that deal with it, the more effective it is.

Mr. HILL: It is always good to make pronouncements and take a moral stand or position on an issue, but making pronouncements is one thing and following through on a situation is another, that is in those areas where there are actual violations of human rights. I speak especially in terms of the seven provinces which have established human rights legislation in fair accommodation, fair employment practices and housing. Voluntary citizen groups and educational groups can take an interest in those cases and refer those cases and situations to the people who are administering the legislation. This takes it beyond the step of simply stating that they are against a situation; people should become interested and follow a matter up. They should ask for reports and ask to find out what happens after a case has been referred by them. In fact, we are becoming more and more gratified because in the last year a number of churches have come to us reporting cases of discrimination. They are interested in finding out what the commission did about the case. That is the kind of participation that I think has to take place. I hope this answers your question.

The CHAIRMAN: On behalf of the committee I want to thank Dr. Hill and the province of Ontario for their full and wholehearted co-operation in this important study.

Would it be agreeable to members of the committee, in the light of the important evidence heard today, that the transcript thereof be distributed on the same basis as the evidence of Mr. Brockington and Dr. Hendry?

That is agreed.

Mrs. Konantz and gentlemen, I would solicit your full co-operation for an early appearance tomorrow when we will have a distinguished and internationally recognized psychiatrist who is a world specialist in this field, Dr. Karl Stern. I ask you to be present at 9.30. Thank you. The meeting is adjourned.

APPENDIX B

The State of Michigan

CIVIL RIGHTS COMMISSION

Detroit, Michigan

Detroit, Jan. 26—The Michigan Civil Rights Commission today issued its first two "cease and desist" orders under powers granted it by the revised Michigan State Constitution, each precedent-setting in upholding the Constitution in widely different fields of racial discrimination and defamation.

The first ordered the government of Detroit's suburb, Dearborn, and Mayor Orville L. Hubbard and James Dick, director of public works, to clean that city's bulletin boards, in public buildings, of materials which "would tend to degrade or humiliate or defame or hold up to public ridicule and contempt, the Negro race."

The second ordered Orchard Lanes, Inc., a bowling alley at 645 Opdyke road, Pontiac, Michigan, to make "prime" or favorable bowling time available to the Pontiac Community Bowling League, an organization of 18 Negro bowling teams, which charged that they had been denied such use of the lanes even though it applied in 1963 before the building was constructed and even though, as Commission investigators testified, empty lanes have been common since.

The commission of seven members thus upheld the decisions of two three-man hearing panels which conducted public inquiries into the cases in Dearborn and Pontiac earlier this month. The hearings and orders were resorted to, under commission rules, only when conciliation efforts failed.

John Feikens and Damon J. Keith, commission co-chairmen, noted that each case has implications reaching far beyond the individual complaints.

In Dearborn, Feikens noted, officials have said the display of derogatory racial material on the public bulletin boards was only exercise of freedom of speech.

"Freedom of speech is an individual right," Feikens said, "not one of government." It is a sad day when a city must be reprimanded in this fashion.

"The principle of freedom of speech does not permit a government to single out, to humiliate and degrade, Negroes or Jews or any other citizens.

"But we all know that the people of Dearborn, and the people of Michigan, do not condone this kind of municipal conduct."

In the bowling alley matter, Keith said, a major test of Michigan's long history of equal public accommodation was involved.

The new commission, he said, had conspicuous success in securing cooperation from hotel, restaurant and other owners in an educational campaign last summer, based not only upon the new Constitution but upon such traditions as Michigan's historic public accommodations law of 1885.

"We are not about to retreat, now," Keith said.

Commissioner William T. Gossett, who was in charge of the Pontiac hearing, asked that the respondent, Leo Spalla, president of Orchard Lanes, and his associates be required to make "Prime" time not only available but to advise the Negro league, in writing, of the availability of prime time by Feb. 15. The order extends not only to the league but to all Negroes.

Asked about the present legal situation, Feikens and Keith said that should Dearborn officials or the alley owners ignore the order, the commission will move immediately to have them cited for contempt in the appropriate Circuit Court.

They noted, also, that today's orders remain indefinitely in force.

In other business, the commission re-elected Feikens and Keith co-chairmen and Sidney Shevitz secretary for the year.

HOUSE OF COMMONS

Second Session—Twenty-sixth Parliament

1965

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 37

FRIDAY, FEBRUARY 26, 1965

RESPECTING

The subject-matter of Bill C-21, An Act respecting Genocide, and Bill C-43, An Act to amend the Post Office Act (Hate Literature).

WITNESS:

Dr. Karl Stern, Psychiatrist-in-Chief, St. Mary's Hospital, Montreal.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Aiken,	Fairweather,	Laprise,
Brewin,	Fleming (<i>Okanagan-</i>	Leboe,
Brown,	<i>Revelstoke</i>),	MacEwan,
Cadieux (<i>Terrebonne</i>),	Forest,	Martineau,
Cameron (<i>Nanaimo-</i>	Gelber,	More,
<i>Cowichan-The Islands</i>)	Gray,	Nixon,
Cantelon,	Herridge,	Nugent,
Choquette,	Jones (Mrs.),	Patterson,
Deachman,	Klein,	Regan,
Dinsdale,	Konantz (Mrs.),	Richard,
Dubé,	Lachance,	Walker—35.
Enns,	Langlois,	

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

FRIDAY, February 26, 1965

(64)

The Standing Committee on External Affairs met at 10.05 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Konantz and Messrs. Brown, Deachman, Fairweather, Forest, Gelber, Gray, Herridge, Klein, Matheson, Patterson, Walker (12).

In attendance: Dr. Karl Stern, Psychiatrist-in-Chief, St. Mary's Hospital, Montreal, Quebec.

The Committee resumed consideration of the subject matter of Bill C-21, An Act respecting Genocide, and Bill C-43, An Act to amend the Post Office Act (Hate Literature):

The Chairman introduced the witness, Dr. Stern, who made a statement on group prejudice and group hate and was examined thereon.

The questioning being concluded, the Chairman thanked Dr. Stern for his presentation.

At 11.40 a.m., the Committee adjourned to the call of the Chair.

M. Slack,
*Clerk of the Committee
pro tem.*

EVIDENCE

FRIDAY, February 26, 1965.

The CHAIRMAN: Gentlemen, I would like to call the meeting to order.

This morning we will resume consideration of the subject matter of Bill C-21, respecting genocide, and Bill C-43, to amend the Post Office Act (hate literature).

Today I have the pleasure of introducing Dr. Karl Stern who is an eminent physician and an author. He was born in Germany, educated at the university level in Munich, Berlin and Frankfurt. He is now psychiatrist in chief at St. Mary's hospital in Montreal, which post he has held since 1958. Dr. Stern has held abroad various professional positions of considerable eminence. I would like to draw to the attention of the members of this committee two books which have been written by Dr. Stern. Members of this committee may wish to consult them. One is called the "Pillar of Fire". It was published by Harcourt Brace and Company, and the second book is called "The Third Revolution", again published by Harcourt Brace and Company. Both of those books are in the parliamentary library.

Dr. Karl Stern (Psychiatrist, St. Mary's Hospital, Montreal): Mr. Chairman, ladies and gentlemen, before I begin to speak about this problem of group prejudice and group hate I should like to emphasize that the psychiatric aspect is just one aspect of this problem which can be isolated only artificially from the entire context. As you know, there are, also political, historical, social and other aspects of it. Of course I cannot speak on those because they are outside my field. If one speaks only of the psychiatric aspect, naturally one is bound to isolate the subject, but it is one set of mechanisms which is extremely important, and one has to understand these phenomena.

The first thing I would like to say has no direct and immediate bearing on this subject; it regards the problem of hostility in general. You would be surprised to see, if you were a physician working in the special field of psychiatry, how greatly the entire phenomenon of individual hostility predominates. Today we are startled by the latent forces of destructiveness hidden in matter which appeared ever since the discovery of atomic energy. We are startled at these extraordinary forces, and our imagination balks when we think of the megatons of destructiveness.

However, one thing that we should know is that just as there is latent within matter a tremendous amount of potential destructiveness, so there is latent in man's mind an extraordinary amount of potential destructiveness. To give you an example let me say that an American psychoanalyst, Leon Saul, wrote a very interesting book ten years or so ago which is called "The Hostile Mind". In this book there are some statistics which show that in the United States alone an overt act of violence of man to man occurs, on the average, about 15 times every hour; that is to say that approximately every four minutes there is an overt act of violence of man to man. In the United States alone every hour on the hour there is a shooting between human beings. These are overt acts of violence. You must also remember there is verbal hostility, quarrels, and what we call in psychiatry suppressed hostility; that is to say hostility of which we are conscious but which we wilfully hold back. There is also the field of repressed or unconscious hostility. For instance, something

which a great number of people do not know is that much of anxiety and depression, with which we deal in our work, is due to poorly handled conflicts of hostility. Some psychoanalysts claim that every suicide is a backfiring homicide, that the suicidal man has murderous impulses towards somebody else, and that his homicidal impulse is backfiring directly against himself. Whether one can generalize to that extent I do not know, but there is no doubt—and that is my own clinical experience—that a great number of suicides are backfiring homicides.

Another thing which I would like to mention is that many people who do not work in our field think that psychosomatic medicine comprises illnesses which are "purely imaginative". For instance, lay people say, "This man was sent to a hospital; they gave him all the tests they could, and they found his illness was only psychosomatic". This is completely wrong. For instance, such anatomically visible and at times fatal illnesses as ulcers or colitis and other illnesses, are psychosomatic in origin, that is to say produced by emotional tension. There again repressed hostility plays an extraordinary role. There is no doubt, as we say in idiomatic English, that a person is "being eaten up inside." This literally occurs in psychosomatic cases, that people with unresolved and repressed problems of hostility are being eaten up by internal diseases.

It is not an exaggeration to say that there is an ocean of hostility in the world. This is a metaphor. We cannot quantify hostility. This is just a way of speaking, it is a symbolic expression.

However, there is one field in which we can quantify hostility, that is when it appears in the collective. This is hate between groups, ethnic, racial, religious, political, et cetera. There we can speak of collective hostility. There again we have something which at times equals our cosmic impression.

This leads us to our subject. I would like to speak to you about the abnormal psychology of group hatred and group distrust. I shall proceed in a way which is completely contrary to our tradition in teaching. For example, when we teach psychiatry to medical students we start with the mild cases, the borderline cases, and gradually we come to the extremely pathological cases. Right now I would like to make things a little more understandable to you by taking the opposite way and starting first with the extremely pathological, proceeding to the borderline cases and ending with the nearly normal. In a moment you will see why I do that. I could take you right now to any "mental" hospital with certified patients, a hospital like the one at Brockville, or Verdun, and take you to any ward and start a conversation with a patient. You would see, soon enough, that that patient suffers from a mental illness whereby he interprets everything that goes on in the world in terms of invisible wires being pulled by large and powerful groups. I remember one of my poor patients with a so-called chronic paranoid schizophrenic illness. When I said to her that the weather was not nice that day, she would say that there are people who have some chemicals which influence the weather. She had some very weird and bizarre theories about how even weather was being influenced. When I asked her what her breakfast was like this morning, she would immediately say that certain groups put hormones into the food to make people sick. Any lay person would immediately have seen that this was a very sick person and that she gave some weird significance to everything she saw or felt. She had a sense of persecution and hate.

In that same hospital I could have shown you another patient. If I had the patient of whom I am thinking right here beside me, he could give you an extraordinary theory of the role of the freemasons in the world. If you saw him in the setting of a hospital, and if I did the interview properly, you would see there was something wrong. First of all, he would give you an elaborate

theory of the role of Freemasons in history, in politics, et cetera. He would tell you about their secret influences, and so on, so that even a lay person listening to him would perceive that there was something wrong with this man. He would also tell you that he sees strange signs in the street and that these people are aiming at him, because he is "in the know." You would say he was a sick man.

However, if you met that same man in a railway compartment and got him involved in a conversation, you could have a very long conversation on any subject outside of his hobby horse and it would never strike you that this man was abnormal. He could talk about any other subject in a very rational manner, and he could even get involved with you in a conversation about Freemasons. After one hour you might have a feeling that maybe this fellow is partly right, that he has got something there. This kind of thinking is such that, as we say in our language, the total personality is not infiltrated. This is the important thing. He has one basic premise, and once you believe in that premise a lot of his theories grow very logically and coherently out of it. Let me give you a few technical terms. We call that patient, the lady who sees everything in a bizarre and illogical way and puts a weird significance on things, a so-called "poorly systematized paranoid" patient. The other patient, the man who thinks of Freemasons, we call a true paranoiac, at least in English terminology. French terminology is not completely uniform in this field. The definition of a true paranoia case is, as I said before, the case of a man who has one delusional premise out of which a completely logical and systematic doctrine develops which in itself in a closed system and does not necessarily affect the rest of the personality.

If I may, I would like to deviate for a moment at this point. I should like to point at a peculiar parallel, namely faith. Religious faith has a similar structure, as we say, phenomenologically. First you start with a basic premise of something in which you believe. Out of that grows a very coherent system of thinking. The main difference between paranoia and faith is that paranoia is based on distrust and hate while faith is based on belief, trust and love. However, the strange thing is that the structuring of the material is actually very similar in many ways.

Right now I have chosen the example of the man with the Freemasons, firstly because it so happens that I knew a patient with this kind of symptomatology, and secondly because paranoia patients in the whole world, whether it is in Rio de Janeiro, Berlin, Montreal or Washington, have certain, if I may use a paradoxical expression, *favorite enemies*. For instance, if you read text books on psychiatry and read about case histories, you would find that the objects of hate are usually Freemasons, Jews, Catholics or Communists. These are the four basic themes of all paranoia patients. In my opinion, one of the reasons for that is that paranoiac thinking—the essence of which is to see things behind everything, to see hidden significances in everything, never to take anything on its face value but always to feel that everything one experiences is not genuine but only a facade for something else—chooses, as a subject for its hostility, something with international ramifications. Such a thing lends itself easily to paranoiac symptom formation. This is probably the reason why such groups as the Jesuits, the Jews, the Freemasons and Communists form the favourite topic of our poor paranoid patients.

If we have the time I would like to tell you of some very peculiar clinical parallels. After the first world war there was in Germany a prominent general who had taken part in the war. His name was General Ludendorff. This man played a role similar to Pétain in the first world war in France. There is no doubt that he was a true paranoia case. Incidentally, it might also interest you to know that he was the founder of the neo-pagan movement which wanted to

abolish Christianity and go back to the ancient teutonic pre-Christian religion. He was also the editor of a newspaper. He had an interesting paranoiac system whereby he combined hostility towards four groups. According to him there was a weird plot going on in the world of which the Jews, the Vatican, the Communists and the Freemasons were the instigators. He was an intelligent man in his own way. At times paranoiac patients are very intelligent. He acted in good faith, but he was a sick man. Incidentally, later on, under Hitler, he took a rather moral attitude in the face of the persecutions that took place. One should not think of this man as an evil man morally speaking. He had this elaborate system whereby he combined all four groups, which is not easy. To illustrate to you the phenomenology of paranoid thinking I will give you two examples from this man's life. On one occasion he was invited to the unveiling of a monument to the dead soldiers of a certain Bavarian province. This monument was very modernistic. I remember it very well. The monument was an ordinary cube which rested on four steel helmets. Ludendorff accepted the invitation to this ceremony. All of a sudden, at the last moment, he changed his mind and declined. He declined because he figured out the following: the cube is an ancient Jewish symbol—where he figured that out I do not know, maybe it is something from the old testament. To him this was a secret sign that Jewish world domination would crush German military might, that is the cube would crush the four steel helmets. Therefore, he declined participation in the ceremony.

The other case occurred when he was invited to the christening of a ship with his name. He accepted, and all of a sudden, at the last moment, he cancelled his participation in that ceremony because he figured out the following: There was a menu for the banquet and the menu was printed in an ornamental frame. This ornamental frame was somewhat elaborate. After looking at it for a long time he saw, very carefully disguised in the ornament, the sign of the Free-masons. He cancelled the entire affair. This is very typical. All our paranoia patients always look long at anything until they find something behind it. As I said, this is a characteristic of paranoiac thinking.

In order to show you how closely parallel is the thinking of these people, I will tell you about a chronic paranoid patient I once had who was in a mental hospital. Her favourite hates were the Vatican and the Jesuits. She said to me one day, "This morning I had a close call. I nearly accepted a gift from Miss so and so"—another patient—"and all of a sudden I saw it was a chocolate box on which there was a very secret sign from the Vatican."

You see, these people do not experience; they interpret. This is one of the most characteristic features of paranoid thinking. They have no immediate experience. Every immediate experience is tinged by an element of interpretation. They cannot just take things at their face value. They must ask what it means.

To come closer to what we are discussing here today, I should explain that there are different degrees in psychiatry as there are in physical or internal medicine. You know that besides the full blown infection you have the people who are known in bacteriology as carriers, people who harbour the germ, but in a subclinical way. For example, you probably all know that besides typhoid patients there are many people in the average population who carry the typhoid bacillus without being overtly sick. The paranoid form of thinking, in a sub-clinical and subpsychotic way, is much more widespread in the average population than you might think. Besides the full blown sick people like the man I have been talking about and the poor lady in the mental hospital, there are many people who harbour these kinds of thought in mild forms. If you go round the province of Quebec, for example, you will find a great many people who would have strange things to say about Freemasons, whereas in the

province of Ontario they would have strange things to say about the Roman Catholics. These people are not psychotic, but a latent form of potential paranoid thinking is unfortunately very widespread in the average population.

Just as in times of, for instance, loss of resistance, outbreaks of epidemics in physical medicine occur, and so at times of great social unrest and economic insecurity, et cetera, these widespread latent paranoid germs are unfortunately mobilized and really break out in social epidemics. Unfortunately, there are people who quite cynically and demagogically use these trends.

The other day I watched a man being interviewed on television, he was apparently a distributor of pamphlets. My own immediate impression as a clinician was that this man was in good faith but that he was sick, he was a disturbed man. But there are other types of men. In totalitarian countries there are people who absolutely cynically manipulate and engineer these latent forces in the population; they divert them and channel them into certain forms of hostility.

Mr. KLEIN: Are they not sick too?

Mr. STERN: It depends; one cannot generalize. Some of them are sick, certainly. Perhaps in the question period we should go into the topic of how many of them are sick and which one is sick.

What are the unconscious mechanisms which we psychiatrists see in this kind of thinking? The first is the mechanism of projection. The term projection was first introduced by Freud, who saw that we are inclined to imbue others with motivations which are unconsciously our own. For example, social psychologists who have observed the terrible incidents of lynching in the southern United States have seen that the individuals composing the mass or the group of people who killed, in the case for example of an alleged sex criminal, themselves had very marked sexual conflicts which they had repressed, which were poorly resolved. The victim is the scapegoat for their own conflicts. This is what in Freudian terminology we call a projection.

In a more personal way, when a girl comes to me and says that all the people in the office where she works are against her, it may, of course, be true, but if she comes to me when she is in the next job and says she has the same feeling, and again in the third job, usually I know, psychoanalytically, that this girl herself is beset with problems of hostility. I know that she herself has problems, and her feeling that all other people are against her means that deep down she is against other people.

Hitler used to make the statement that the Jewish were plotting for world domination. There is no doubt that this was of tremendous significance and indicated an insatiable power hunger which was part of his own neurosis.

In other words, in projection we imbue the other person with motives which are unconsciously our own.

The second thing you must know is that to hate collectively you need a simplified, schematized figure. If you listen for a while to an anti-Catholic the Catholic of whom that man speaks does not exist. These are often cartoon figures which lack all true, actual, three-dimensional life. The same applies to the Jew of whom the anti-Semite speaks; if you listen to that for some time you find it is a schematized, simplified figure which actually lacks true life. These are archetypical figures, as we call them in our language. For example, for people of the white races there is the dark man; darkness has a symbolic significance. The dark man is actually a projection of the dark man within myself, my own evil possibilities; I see them as a black man. This is a very infantile and primitive kind of thinking. Therefore, many of these collective figures of hate are actually simplified and schematized figures.

Another problem is the cliché, the easy, primitive thinking which is very often reflex thinking. A friend of mine from Montreal told me that years ago he had a conversation with a man from Toronto. They talked about the possibility of a subway in Montreal. My friend said to the Toronto man, "Of course, in Montreal we have a tremendous problem." He wanted to talk about the geological situation which arises because of the solid rock formation there and the mountain in the middle of the city, and so on. So he said, "You know, in Montreal there are certain difficulties", and the man from Toronto immediately said, "Oh, yes, you have the Roman Catholic church."

Collective thinking works with clichés which are very similar to the so called Pavlovian reflexes. The man awakens up and immediately says "The Catholic church"; it is one of those simplified reflex types of thinking.

Another important point is that of ambivalence, and what I always call the fascination of evil. It is a very peculiar thing. It comes into play, for example, when there is a complex, historical phenomenon—and all historical phenomena are complex. For the average person there is a strange and unhealthy fascination for the negative. When you say "Catholic church" a great number of people immediately say "Spanish inquisition", and they mention some Pope of the renaissance period who had a mistress, and things like that. There is a whole history of 2,000 years, but these negative things are the things which have extraordinary fascination for such people. There are 2,000 years of sanctity, of civilization, of art, of many such things, but it is the terrible aspect of the Spanish inquisition or this one renaissance Pope with his mistress which sticks out to these people.

If you were to waken some people tomorrow morning at two o'clock from a deep sleep and say "Catholic church", they would immediately say "Spanish inquisition". The same applies to the Jewish faith. It is the negative thinking that is the problem. As you know, the Jewish people have certain great natural virtues; they have great natural charity and a great sense of justice, and so on. The type of person of whom we are speaking needs merely one negative experience—a meeting with some dishonest businessman or something like that—to decide that one person is the "typical Jew". The positive aspects are blotted out. The same considerations apply to religious anti-Semitism—you all know the old story of the Christ killer. It is the same thing. Christianity, as you know, was a Jewish movement in its origin; the followers of Christ were all Jews; Christ himself was Jewish. But to the religious anti-Semite the Jew is the Christ killer.

There again one has a complex phenomenon which is light and shadow—as are all the phenomena of history—and it is this weird fascination for the shadow which is predominant in all collective hates.

Why is that? What is the origin of that? Here I must go into psychoanalysis. The ambivalence, the co-existence of positive and negative feelings, is something which belongs to the rock bottom of human nature. We are taught in logic that a thing cannot be itself and at the same time be contrary. Obviously, a thing cannot be black and at the same time white. But in the world of feelings, this is not true. The world of feelings is always polarized. Everything we love has an undercurrent of hate, and vice versa. That goes back to the earliest experiences of childhood. The mother who nourishes me is at the same time the mother who serves. The parent who loves me is at the same time the parent who punishes. Therefore, throughout our lives, we all have feelings which are plus and minus, just as in electricity. We call that ambivalence. The child learns very early to suppress hostility because he learns very early that in order to be loved he has to love and must not show his hostility.

My own theory is that all the hostility which we suppress and which we accumulate in ourselves—and this is one of the problems we ought to discuss

here—comes out in a socially more permissive way, namely at the collective level. We channel them; we canalize them into that level. This is where we are much more safe. I shall give you some examples that will illustrate this even better.

What other mechanisms enter into collective tensions? Another mechanism which I have not mentioned yet is that of inferiority feelings. You will see invariably that those people who are beset by racial or religious or any kind of prejudice, who are “hipped”—as we say in idiomatic English—with these ideas are always people who have a sense of inferiority.

The German philosopher Schopenhauer once said that patriotism is the cheapest form of pride. That is because one is proud of something for which one has no individual merit. One is proud of a group into which one is born, and there is no self-merit in belonging to it. This enters into all group prejudice. I will never forget a nice example which I often quote. I had to deal professionally with a man who had a most tragic history, in whose family there had been a lot of criminology. One of his sons was in the penitentiary and the whole family was beset with this type of problem. He gave me a list from a hospital where I saw another member of his family, and in the car there was silence until my man, who was of Scottish stock, gave me a long lecture about the “low French-Canadians”. I didn’t know why the French-Canadians were low; I was puzzled and asked myself, what is low about French-Canadians? All of a sudden it occurred to me that this man was extremely ashamed about his family and he needed another group to look down upon. He needed what he felt was a “low” group. He felt his ethnic group, the Scottish group, was better than the French-Canadian group—I don’t know why. He gave me a long lecture about the low French-Canadians. This is typical; it is one of the mechanisms that always enters into group prejudices and group hatreds.

The overtouchiness of certain people who belong to minorities is the same thing, but here we are dealing with the person who is at the receiving end. A Negro, a Catholic or a Jew might interpret whatever experiences he has in life as directed against him as a member of a minority, but this is very often also an expression of something completely different, something personal which he disguises.

In the book which you see here, “The Third Revolution”, I have cited an example which impressed me very much. I tell the story there of a woman I treated for something entirely different who in the course of her history told me that she had what she called a “foreigner complex”. She was of Slav origin, and she had a difficult name which was impossible to spell and impossible to pronounce. She was a Canadian girl who grew up with English as her mother tongue. She was extremely overconscious of her name and her origin. When she was at school as a girl, for example, no matter whether it was in the singing class, in gymnastics or anything else, she felt she was the outsider, that girls looked down on her as what one might call “the Polack”, the undesirable element of the foreigner. This was purely delusional; it had no basis whatever in reality. During analysis it came out that this girl was one of eight children. It became obvious (and I could give you many proofs) that as she grew up in the family she was an undesired child. Her arrival was not desired by the parents; she was a rejected child in comparison, for instance, with a twin brother with whom she grew up. The experience of being undesired in the family was so painful to her that she had repressed it completely all her life and it came out later in a disguised, symbolic and masked way on the ethnic level; namely, “I am the undesired child in the class. I am the foreigner who is not desired here.” This is seen very often in people who have an extraordinary “minority consciousness.”

People on the receiving end at times interpret into their everyday experiences things which are actually of a personal nature.

The American psychoanalyst Sterba published a paper about 20 years ago on the racial riots in Detroit. He showed that in the case of some of his own patients the image of a Negro in the dream invariably stood for a brother or sister of the patient towards whom he had feelings of hostility. In group relationships and in group prejudices we are inclined to re-experience things which actually, deep down, are of a purely personal order and go back to the early family drama.

There is a great deal of literature on the subject. For example, Klein and Horwitz, a couple of American psychiatrists, published an account of a study of paranoiac patients. I cannot recall the exact number of patients who came within the study, but I think it was 100, 50 of each sex. They showed a background of traumatizing painful early childhood experiences. Those patients had been brought up in families with violent, alcoholic father, and factors like that. In other words, paranoid thinking as a whole goes back—even if it is of a personal nature—to insecurity and anxiety in early life. Most paranoid people do not have groups which persecute them; they often have only personal distrusts and hostilities, but paranoid thinking in general goes back to great insecurity and anxiety in early life.

One other point which does not belong immediately to this discussion but which I think I should talk about is the psychology of man when he acts in a group or in a mass. For instance, lynching is a collective action, taken together as one unit, in hate. The first great group psychologist was a French psychologist in the last century called Le Bon. He was the first man to publish a study on mass psychology. He anticipated certain observations of Freud, but naturally he did not use the same terminology.

According to Freud, for the study of abnormal human psychology one may think in terms of a triad. The ego is our conscious wakeful self through which we are in contact with reality; it is that part of you which is listening right now to this talk. Then there is the id. According to Freud, the id is the sum total of our instincts, our untamed drives, the animal in us as it were—sex, hunger, destructiveness, et cetera. On the other hand there is what Freud calls the superego by which he means the restraining forces which hold the animal in check. The forces of id and superego are not necessarily conscious.

Thus we have a triad of ego on the one hand and id and super ego on the other. When you look at a mass of people who are aroused, in a group in the case of lynching and things like that, according to Le Bon the group has a lot of id, to speak in Freudian terms. The mass of people going into action has a lot of the animal unrestrained; it has very little ego.

A social psychologist made a study on lynching not so long ago. He said—and in the original work Le Bon said the same—that the group is capable of acts of cruelty in the mass of which the single individuals composing the group would not, be capable. In other words, to translate it into Freudian terms in the group the id comes out and the ego is very weak. Freud criticized the work of Le Bon and said that the group as a group is also capable of greater deeds of heroism than the single individuals composing it. He says the group has little ego but a lot of superego or a lot of id. That is to say, for example, a unit in combat during the war is often capable of great deeds of heroism of which each single individual composing that unit would not be capable. When you see people in stress, such as in a sinking ship, you see heroic attitudes of which a single individual, if he were alone in this very situation, would not be capable, according to Freud. In other words, a group in action is either capable of terrible things, of which the single individual composing it would not be, or of very lofty actions, of which the single individuals composing the group would not be capable.

Now I would like to say a few words on what we can do about those things. I know that what you are interested in here is the legal aspect, and on this I cannot speak because it is completely outside my own field. However, I can tell you what we can do about this problem, speaking only as a psychiatrist. From what I have been telling you, the first thing that is evident is that the more a child grows up in an atmosphere of love, not only verbally expressed love but a climate of love, the less he will be inclined later on to have difficulties with distrust and hate. It is therefore a question, first of all, of a healthy environment of growth for the child.

Secondly, there is the question of the moral teaching of the children. I would like to say here that if a child is exposed very early to clichés, if he hears the family expressing prejudice towards negroes, Jews or Roman Catholics, then of course in the child's mind, which is extremely sensitive, hate is implanted very early. There is also the religious teaching of the child. Unfortunately, in all religions, at least in the west, there has been, until not so long ago, a tremendous emphasis on the negative. A child grows up, as it were, sin-conscious. Very often the child has an early awareness of, let us say, Christian morality being the avoidance of bad things, things he should *not* do. This is, what we call in psychology, a *negative morality*. This is a primitive morality which underlies all religions. Very often, the child is prevented from reaching the morality of the primacy of love, a positive morality of charity and the primacy of justice.

A great number of people run around and say, "I am allright, I do *not* do this or that". They think that morality is categorized mainly by a set of prohibitions, the things we are *not* supposed to do. At times this results in false and distorted religious and moral upbringing. If the child grew up with the immediate sense of the primacy of love, of charity and justice, then, there would be a good basis for teaching him later on the things we are concerned with here. Generally, in the development of people, there is an evolution from the negative morality to the positive morality. For example, in the old testament, you see that firstly come the prohibitions, the "don'ts", and, gradually, the prophets introduced positive morality, such as love, justice, and so on. The same is true everywhere. The primitive religions were taboo religions. Our morality today is still a very archaic and primitive morality. In that sense, many of us are primitive.

We must not make the mistake which the great French contemporary philosopher, Gabriel Marcel, calls "L'optimisme de la technique", that is to say to think that everything can be done with the scientific knowledge which we possess and of which I have been speaking to you now—that we can fix everything scientifically as if society were a piece of plumbing. I personally think that a lot of the things that I have just been speaking of right now should be made common knowledge to educators, parents, et cetera. This is very important. Nevertheless, clearly this cannot be done only by scientific means.

Perhaps before I go on I will make one little deviation. Just as there is a negative morality—I am all right if I do not do this, et cetera, kind of attitude—there is also, in the life of society, an undue emphasis on *the enemy without*. For example, take Communism. We all know that Communism is a great danger in our world today, but a great number of people are "hipped" on that. They talk all the time about what the Communists do here and what the communists do there. This is unhealthy. This is a distraction from the duty we have in our own back yard towards social justice and charity. It is very interesting to know what the Communists do in Lithuania, but it is much more important what we do wrong here in our society. It is interesting that the prophets in the old testament exhorted their own people and spoke much less

about the sins of the Syrians, the Babylonians and so on. Christ himself never spoke about the scandals among the Romans, although they were terrible; he spoke mainly about the scandals among His own people. The same thing is true of Saint Paul; he spoke little about scandals among the pagans. In other words, if we are, as so many people are today, "hipped" about the enemy without, it creates an unhealthy atmosphere which cultivates latent paranoid attitudes, such as this so-called "anti-communist line."

I think that the unhealthy result of McCarthyism is that it created an atmosphere of evil. One of the fathers of the church said, "Undue occupation with evil makes you evil". As I said, the preoccupation with the lurking danger without creates an unhealthy attitude. No community has ever remained integrated by a sense of external danger.

I mentioned before that we should not succumb to what Gabriel Marcel calls *l'optimisme de la technique*—the optimism of techniques—and think the whole problem can be solved scientifically. Despite all the scientific knowledge we have acquired on these matters, the polarity of love and hate in the world is still a mystery, and always will remain a mystery tied up with the mystery of the human personality.

Although you can engineer or manipulate hate, as has been shown in totalitarian countries, you cannot engineer love. Love resists any attempt of manipulation or engineering.

There is a very interesting example from the Bible that I would like to mention. It is very interesting that a small group of just men always saves the city. You will remember the story of Sodom and Gomorrah in the Old Testament: If there are ten just men, the city will be saved. Then ten just men do not comprise a group that you can organize; they are not supposed to be a committee; they probably did not know of one another. The extraordinary thing about the power of good in the world is that it cannot be technically organized, but in the long run I am very optimistic it will be stronger than the forces of hate.

Mr. WALKER: Mr. Chairman, may I ask one question?

Dr. Stern, your talk this morning has been not just enlightening, it has been delivered with such clarity that even we—or perhaps I should speak just for myself—normal people, members of parliament could understand thoroughly what you were saying.

Would you care to comment on the necessity or otherwise for a legislative superego for society to hold in check the ids you were speaking about?

Mr. STERN: Yes. The expression you have used is a very good one. In a sense you might say that legislation is a structured form or an externalized form of superego.

There is very little I can add, I think. I would say that generally speaking what Freud calls the superego appears in an externalized, structurized form in legislation. Of course, you cannot say that legislation is the superego; that would be wrong. But within the structure of society and within the structure of the collective, legislation is one of the strongest aspects of the superego. How to go about this and to structure it *more* or *differently* in accordance with what I have just been saying, I do not think would be in my domain.

Mr. WALKER: To be very specific, the problem we are faced with here is the whole question of dissemination of hate literature and what to do about it. Would you consider this is the type of id activity that society should control by means of legislation?

Mr. STERN: Yes, definitely. However, you have probably all heard the story of the man who sells hot dogs in front of the Bank of England. A friend comes along and says, "Quickly, can you lend me five bob?" He replies, "I'd

love to lend you five bob but I have a strict contract with the bank that I won't lend any money and they won't sell any hot dogs." This is what I always feel when I am intruding in a field which lies outside psychiatry.

My feeling is that in a democratic society it is a tricky problem to control hate literature by legislation, because the whole question of freedom of expression comes into it. My own feeling is that one can do it, but that we enter here into a problematic field.

In regard to the so called "entertainment industry", I personally feel that the kind of thing that is poured into people day and night from these little electronic boxes with those little screens produces a tremendous appeal to violence. It is not violence of actual group hate and so on,—yet it is violence. If by legislation you take out of context just the questions of anti-Semitism or anti-Catholicism, or anti-negro movements will not really go to the roots of the problem.

May I tell you what I think is wrong with our form of western materialism, the materialism that exists on our side of the Iron Curtain? It is the fact that there are huge commercial interests which study masses of human beings from the *id* point of view. That is to say, they study them as if they were masses of animals, and not according to the Platonist ideal of education. They do not study what man needs, but rather they study what man wants. They study human beings as if they were a bunch of rats, and they even pay psychologists to do so. This is a purely crude, materialistic point of view. They find out what two things sell best—sex and violence. Some Communist writers are right when they say that we in the west feed people *id* material all the time, material that appeals to the animal. A child sees on TV one shooting every five minutes with expressions of hate and indications of rape.

We are in our discussion today isolating group hate, but all these other aspects of violence appear in comic strips, in the movies, in literature, and so on. We appeal too much to the crude wants of people. I think we should go into this problem at some other time in detail because it belongs to the matters you are discussing.

You see my point?

Mr. WALKER: I do.

Mr. KLEIN: After hearing you speak this morning I feel like the vendor of hot dogs interviewing the president of the Bank of England!

Will you tell us why individually we are opposed to violence and yet collectively we all want to know the outcome of a boxing match in which one boxer will knock another boxer unconscious or break open his eye and then continue to stab at it? This is what we seem to enjoy as a group.

Mr. STERN: I think this is where the original observation of Le Bon comes in. As individuals we are opposed to violence and yet, lurking in every one of us is what Freud calls the *id*. That is to say, there is something animal-like in every one of us. There are socially accepted forms of violence such as violent sports, and these give our latent sadistic impulses a permitted outlet. The glee with which people watch this kind of thing is, shall I say, a case of *trouver un débouché*, you know. They find an outlet for their latent sadistic impulses.

Mr. KLEIN: Some time ago I was appalled—as I imagine most people were—by the fact that an obviously deranged person was standing on the edge of a building in Chicago. People were yelling to this man from the street telling him to jump, obviously knowing that if he did he would be spattered to bits.

For what reason would these outwardly normal people have asked and encouraged this man to jump and have wanted to witness this violent action?

Mr. STERN: This is basically, I think, the same problem as the one you mentioned before about boxing, only in a much cruder form. If you did my work, you would see every day going through your office a stream of people who revealed their innermost selves and you would be surprised how brutal the latent forces of man are and how, in every one of us, there lurks something of animal-like potentiality. As I said before, I am optimistic because the other possibilities are there also, but this is just one external manifestation of this group phenomenon of which Le Bon spoke.

Mr. KLEIN: Would you know, Doctor, statistically speaking, how many people are extremely ill, how many people are slightly ill and how many people are what we would call normal?

Mr. STERN: You mean psychiatrically? It is very difficult to establish any statistics. For example, there is a widespread fallacy that psychiatric illnesses are on the increase. If you make a big dichotomy between psychosis and neurosis, that is to say between insanity on the one hand and emotional maladjustment on the other—I am now speaking of a certifiable psychiatric illness when I speak of insanity—then you would find that insanity is not on the increase. For instance, one group in New England, Hollingshead and Redlich, made a careful statistical study of the population a hundred years ago and the population now. Their study showed that there was no increase of insanity in the average population. But if you define neurosis, which is much more difficult to define, as an emotional maladjustment, then we are all neurotic, not one of us is free of an area of emotional conflict or anxiety, or of emotional maladjustment. If you define neurosis as an emotional maladjustment which needs clinical attention, there are some people in the United States who claim that 75 per cent of the average population need at one time or another help from a specialist for some emotional difficulty. I do not think this is so pessimistic. It sounds terrible, but you must not forget that where physical health is concerned there are not many people who go through life without ever needing a doctor. Just as once in a while we need a doctor for our physical illnesses, we should accept the fact that once in a while we get into some kind of abnormal depressive state or abnormal anxiety or abnormal neurotic symptoms for which we need help. It sounds terrible to say that 75 per cent of the population are neurotic, which means that at one time or other in their lives they would need a psychiatrist, but this is not actually as awful as it sounds.

Mr. KLEIN: You said that if you accept the basic premise of a paranoid, what follows afterwards becomes logical, and if you take into consideration that approximately 75 per cent of the population may require some kind of psychiatric consultation, then perhaps the showing of a program such as "This Hour Has Seven Days" in which Rockwell appeared, might constitute a danger to those people. Would you agree with that?

Mr. STERN: First of all I would like to correct one impression. The ending "oid" in Greek means resembling something. For example, if you say schizoid, it means a man with a possible tendency towards being schizophrenic. Paranoid was derived from paranoia. The condition in which you have one premise out of which, completely logically and systematically, develops a system of distrust and misinterpretation is called paranoia. Paranoia in pure form is very rare, thank God. Paranoid means actually something which may go only a little bit in that direction, for example it refers to a person with a chip on his shoulder, with a feeling that he is always being victimized. This is a paranoid state, and yet this is not a thing out of which a whole illness develops. I described that poor man with his Freemasons. Such mental state does not

occur too frequently. However, as I said, latent germs of that are widespread in the average population without really developing completely. When I say for example that some investigators in the United States said that 75 per cent of the average population at one time or another in their lives need psychiatric help this does not merely refer to paranoid conditions. Just as in internal medicine, you have hundreds of different conditions to diagnose so you do also in psychiatry. These 75 per cent would not all need help for paranoid tendencies; they can be depressed, anxious, phobic, compulsive, they can have thousands of different difficulties.

To come back to your question, my personal impression is that those programs on television are unhealthy. It is very nice to say there is a program about Rockwell and there is a talk about hate literature, and so on. I myself was interviewed on one of those programs. It was taped so I could see myself later. I had an unhealthy feeling about all this. First of all, I feel that people like yourselves here have an objective interest in such a program, but a great number of people, believe me, are interested in such programs for unhealthy reasons. This type of program can really mobilize certain latent abnormal tendencies which are not at all desirable. The program which I saw myself gave me an uneasy feeling.

Mr. KLEIN: I felt that Oswald who assassinated Kennedy in Dallas, Texas, might not have had the courage to do it in Times Square, New York City, I do not know. Would you think that an atmosphere of hate encourages sick people to do what they would not do ordinarily, what they would not have the courage to do if the atmosphere were not poisoned?

Mr. STERN: This may be true in certain situations but not invariably so. I personally disagree with your supposition about Oswald. I think he would have been able to do it in Times Square. One thing which is a much more serious problem regarding such men as Oswald is the unavailability of psychiatric treatment for the average person and for the poor. I have just been reviewing for a magazine called *The Commonweal*, a book which is called "Mental Health and The Poor". It might not have been in this book but I read somewhere that a man said that Oswald would not have done what he did, being a seriously disturbed person, if he had had psychiatric help. That man claimed that in Dallas there are not enough facilities or psychiatric clinics for non-paying patients. This is a tremendous social problem. I get people similar to Oswald who come to my clinic. You would be surprised how often the kind of problem I have been talking about comes up in our work. Now appendectomy, tonsillectomy or the setting of a broken leg is available to the rich and the poor equally, but psychiatric help is not. There is a tremendous difference between the treatment of psychiatric and physical illnesses. In Canada there are the dominion-provincial mental health grants which help a lot with the setting up of clinics for indigent people, but even this is not enough.

I would advise you to look at the book about which I spoke. It is written by a group of authors, it is an anthology—"Mental Health and The Poor". It is appalling to see that there is so much injustice between the rich and the poor as regards the treatment of psychiatric illness. This is a tremendous social problem.

Mr. KLEIN: You mentioned that besides the sick disseminators of hate there are also those who lead them. You said you would speak about whether they were sick as well.

Mr. STERN: I was in Germany for three years after Hitler came to power, that is until 1936. Hitler is a very interesting borderline case. Although Hitler was a very sick man, yet, quite cynically, he used the anti-semitic movement for demagogic purposes. There was a very strange dichotomy in this man: On the one hand, he had a definite delusional system of thinking, and on the

other hand, he used those tendencies absolutely cynically. I will give you an example to illustrate what I have said. General Ludendorff of whom I spoke, who had this elaborate system about the Jews, the Freemasons, the Catholics and the Communists plotting together, could never have made a pact with Stalin because the Communists were the bad people. This is typical of the truly sick person. It is interesting of Hitler that he was an opportunist. I met in the psychiatric institute in Munich a man who had personal contact with some very highly placed S.S. fellows in the nazi government. He told me that he was told by one of them, absolutely cynically, that the anti-semitic movement was consciously used by them to channel hate into other areas so as to take the peoples' attention off the actual problems, to divert them to other targets. These things can be manipulated absolutely coldly by sane people. It happens. I cannot give you immediate examples but this is being done.

Mr. KLEIN: What would the purpose of that be, to gain power?

Mr. STERN: To maintain power.

Mr. STERN: For instance, I personally think that the whole story of the trotskyites and the kulaks and so on, which Stalin used in the thirties, was absolutely cynically manipulated. I personally feel that he himself believed very little of it. So, you see, these things can be done.

Mr. KLEIN: Dr. Stern, there has been a dialogue constantly over the ages about the contest, for want of some better expression, between freedom of speech and the human rights of groups.

Many people have come before this committee and have emphasized the fact that hate and hate literature should be dealt with by education and not by legislation.

You have told us that some of the reasons for hostility within us are poverty, alcoholism, broken homes, and so forth. I think you will agree that these elements will always be with us. I do not think we will ever have a society which will be free of poverty completely or free of alcoholism, and so on.

Knowing that, would you care to comment on whether, with the best of intentions, through a program of education we could reach every element of the population to the extent that we could eliminate hate without repressive measures? I am not suggesting for a moment that legislation will eliminate hate. I admit that you cannot legislate hate out of existence, but I feel—and I would like you to comment on it—that if people know there is a law against something they will not act contrary to that law and do something which they might do if they were told there was no law.

Mr. STERN: I replied to your first question about statistics that there is no evidence that insanity is on the increase as compared to 100 years ago. But neurosis may very well be on the increase. For example, alcoholism is a form of neurosis, and that is definitely on the increase. You say problems such as alcoholism and broken homes will always be with us. It is quite possible that the unhappy and insecure family situation for a child is a much greater factor today than it was 100 years ago. There are many problems posed by industrialization and urbanization which have not been solved. The increase of juvenile delinquency, alcoholism and possibly of overt homosexuality show that certain basic factors of basic human insecurity can fluctuate tremendously and can undergo change. I think we would appease our conscience too easily by saying these factors will always be with us. To a certain extent they will, but there are great factors of emotional insecurity today which are greatly on the increase as compared with earlier civilizations.

Secondly, I would say that the problem of violence and sex in our entertainment industry is something you cannot get at by legislation or purely by legislation. There again, if the means of "entertainment" were not purely

dictated by commercial interests in a purely selfish way but could in some way be influenced by other factors of education, then we could make a great gain. I think this is also true about the problem we are discussing here. I would say if it is true that in Scandinavian countries there is legislation against the distribution of hate literature and that it works, then I would say why not adopt it in other countries too. But I would agree with those who say that it is not done by legislation alone. It would be done much more efficiently by certain changes in basic cultural attitudes, of basic moral values, and of all that which goes into education.

Mr. KLEIN: You said that love must begin in the home and that the parents must give love to the child; if they fail to give it it will be too late to educate the child. Therefore we are in a very very wide area, are we not? The problem is so immense that it is almost impossible to bring about the kind of world that you would like to see.

Mr. STERN: Perhaps I have simplified it a little too much. The rock bottom is the original sense of security and love of the child, but to say that once this is impaired we cannot do anything later by education is wrong, of course.

Much of our religious education and moral education of the child is at times distorted. It is much too negative and too codified. In that respect, I think we are already changing a great deal.

Mr. KLEIN: You have said that we are living in a "don't" morality. The possibility of bringing about legislation to deal with people who stand by and do nothing when they see crimes committed, when they could perhaps assist but do not want to become involved, is being studied now. Would you favour such legislation?

Mr. STERN: Yes. Again, I must add that I think the basic moral human attitude which goes into such things—and I cite the famous example which happened last year in the case of that murder in New York—is much more important than what might be done by legislation; but I would still be in favour of legislation.

Mr. KLEIN: In other words, do you feel that legislation generally is a method of education in itself?

Mr. STERN: That is a very difficult question to answer. I would say it is one aspect of education.

Incidentally, I would like to make one correction. It is perhaps too simple to say that we live in a world of "don't" morality.

Mr. KLEIN: I understand.

Dr. Stern, you spoke about cartoons. I have always felt that such programs as Amos and Andy and the comedian Stepin Fetchit did a lot of harm to the coloured people, as do comedians with dialects exposing, for example, the Dutch people to a Dutch dialect, the Jewish to a Jewish dialect and the Italian people to an Italian dialect. I believe they are very harmful to these groups.

Would you agree that this contributes to the problem from which these people are suffering today?

Mr. STERN: I think we have to be careful when we are dealing with areas like that. First of all, let us say that in itself there is nothing obnoxious or abnormal about group consciousness in itself. In a big city you will find a quarter in which Italians live together and a quarter in which Swedes live together. Here they stick to certain cultural traditions and a sense of togetherness, and there are certain folklore elements. This in itself as a separation from other elements is not bad. When, for example, you have banter or jokes between such ethnic elements, even with imitation of dialects and so on, it is very difficult for the psychiatrist to decide just where we enter the area of the oversensitive which I mentioned before.

I do not recall the programs you have mentioned, but I would say that at times there is bound to be a certain amount of normal feeling of "otherness" between ethnic groups. Let us suppose in a town like Minneapolis you have a Swedish quarter and next to it an Italian quarter. There would be a sense of difference between these people and there might perhaps even be an element of banter, an element of comedy, or something like that. I think it is dangerous at times to be oversensitive because the natural tensions which also exist between groups need a little normal outlet. I think perhaps at times we go too far when we feel that the Jewish comedian who makes jokes in Yiddish is sowing the seeds of anti-Semitism. I am always inclined to be cautious about this sort of thing. We must not create an atmosphere which I mentioned in connection with the "sensitiveness of the minority." You see what I mean? I was talking about the man who is on the receiving end. We get into a very problematic area there.

Mr. KLEIN: Perhaps it is an unfair question to ask because you have said you are not familiar with these programs, but if I told you that a person like Stepin Fetchit was a coloured comedian who was listless, who stole chickens, and so on, and was constantly portrayed as doing this, would you not say that in the minds of many people it would be a reflection on his group?

Mr. STERN: Yes, I must admit that. Of course, I do not know the programs. I think this is wrong.

Mr. KLEIN: I would like to make one last statement which may sum up a lot of things you have said today. This is a story which I would like to put on record and it concerns two Jewish women who were talking in New York City. One asked the other whether she had heard about the Ecumenical Council. She said, "They have absolved the Jewish of killing Christ." The other woman said to her, "You mean the Jewish did not kill Christ?" "No", she said. "Who did?" "Oh", said the first woman, "the Puerto Ricans"!

Mr. FLEMING (*Okanagan-Revelstoke*): Dr. Stern, you said that if we were to find that legislation has worked elsewhere in the world there would be no harm in introducing it here. I think you also told us that while we may do that, we would be wrong to stop there and we must move on by every influence possible to encourage the kind of implication that will gradually eliminate the emphasis on hatred or differences and bring about a greater universality of feeling among people. In other words, we need simply a greater interchange of understanding among people.

Mr. STERN: Yes, I quite agree. I personally know too little about the effect of legislation to talk about it. I was just told this morning when we spoke privately before this session that in the Scandinavian countries there exists such legislation. I had not known this. I was told it had been effective, but my own immediate reaction as a clinician would be that the educational means to change the basic climate is a more important and more positive step than legislation. That is my impression.

Mr. KLEIN: But you would admit that legislation is necessary now?

Mr. STERN: From what little I know I would say yes.

The CHAIRMAN: Dr. Stern, on behalf of the committee I would like to thank you for this most illuminating presentation. We are deeply grateful to you.

I might tell the members of the committee that we searched very carefully to find the most useful person to come before this committee from the field of psychiatry, and Dr. Stern's name was given to us from another province, and from two different psychiatrists. They said, "Don't fail to hear Karl Stern. He is an internationally recognized authority of very great ability and attractiveness" and you have certainly established that today. Thank you.

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HOUSE OF COMMONS

Second Session—Twenty-Sixth Parliament

1964-1965

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 38

FRIDAY, MARCH 12, 1965

RESPECTING

The subject-matter of Bill C-21, An Act respecting Genocide, and Bill C-43, An Act to amend the Post Office Act (Hate Literature).

WITNESSES:

Messrs. Marcel Cadieux, Under-Secretary, and M. H. Wershof, Assistant Under-Secretary (Legal Adviser), Department of External Affairs.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

STANDING COMMITTEE ON EXTERNAL AFFAIRS

Chairman: Mr. John R. Matheson

Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

Aiken,	Fairweather,	Laprise,
Brewin,	Fleming (<i>Okanagan-</i>	Leboe,
Brown,	<i>Revelstoke</i>),	MacEwan,
Cadieux (<i>Terrebonne</i>),	Forest,	Martineau,
Cameron (<i>Nanaimo-</i>	Gelber,	More,
<i>Cowichan-The Islands</i>),	Gray,	Nixon,
Cantelon,	Herridge,	Nugent,
Choquette,	Jones (Mrs.),	Patterson,
Deachman,	Klein,	Regan,
Dinsdale,	Konantz (Mrs.),	Richard,
Dubé,	Lachance,	Walker—35.
Enns,	Langlois,	

(Quorum 10)

Dorothy F. Ballantine,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

FRIDAY, March 12, 1965.

(65)

The Standing Committee on External Affairs met at 9:45 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Jones, Mrs. Konantz and Messrs. Brewin, Cameron (*Nanaimo-Cowichan-The Islands*), Choquette, Deachman, Dinsdale, Dubé, Enns, Gelber, Herridge, Klein, Leboe, Matheson, More, Patterson and Walker (17).

In attendance: From the Department of External Affairs: Messrs. Marcel Cadieux, Under-Secretary; M. H. Wershof, Assistant Under-Secretary (Legal Adviser); E. G. Lee, United Nations Division.

The Committee resumed consideration of the subject matter of Bill C-21, An Act respecting Genocide, and Bill C-43, An Act to amend the Post Office Act (Hate Literature).

The Chairman introduced the witnesses. Mr. Cadieux was called and made a statement, referring particularly to the two briefs prepared for this Committee by the Department, and to the United Nations Convention on Genocide.

On motion of Mr. Klein, seconded by Mr. Patterson,

Resolved,—That the documents referred to by Mr. Cadieux in his statement be included as appendices to today's Minutes of Proceedings and Evidence. (*See Appendices "C", "D" and "E"*).

Mr. Cadieux and Mr. Wershof were questioned.

The Chairman referred to the report of a Review Board on Hate Literature Distribution which had been tabled in the House by the former Postmaster General. On motion of Mr. Klein, seconded by Mr. Patterson,

Resolved,—That the Report of the Postmaster General's Review Board on Hate Literature Distribution (and three appendices thereto) be included as an appendix to today's Minutes of Proceedings and Evidence. (*See Appendix "F"*).

The Chairman thanked the representatives of the Department, and announced that a representative of the Canadian Jewish Congress would appear before the Committee next week on a date not yet determined.

At 11:00 a.m., the Committee adjourned to the call of the Chair.

Dorothy F. Ballantine,
Clerk of the Committee.

EVIDENCE

FRIDAY, March 12, 1965.

The CHAIRMAN: Gentlemen, I see a quorum. This morning it is our duty to resume consideration of the subject matter of Bill C-21, An Act respecting Genocide, and Bill C-43, An Act to amend the Post Office Act (Hate Literature).

It is my pleasure to introduce to the committee this morning Mr. Marcel Cadieux, the Under-Secretary of State for External Affairs and Mr. M. H. Wershof, Assistant Under-Secretary, who is the Legal Adviser to the department.

Members already have received material that was distributed to them through the secretary. This material has been prepared by Mr. Cadieux. It might be useful to have this material incorporated in our Minutes of Proceedings and Evidence for today because there are other groups studying these proceedings as they develop.

I take pleasure in calling upon Mr. Cadieux to make a statement.

[Translation]

Mr. MARCEL CADIEUX, Q.C. (*Under-Secretary of State for External Affairs*): I am happy to respond to the Chairman's invitation to say a few words to you about the two briefs the Department of External Affairs has prepared at the request of this committee. One brief summarized recent developments in the United Nations relating to racial propaganda, and to the convention on genocide. The second brief dealt with current group libel legislation in nine selected countries. I understand that both briefs were distributed to the members of this committee.

[Text]

Mr. PATTERSON: Mr. Chairman, is there going to be any interpretation?

The CHAIRMAN: There will be in due course.

Mr. CADIEUX: I propose to speak in English, but since I am French speaking I thought it appropriate at the beginning for me to say a few words in French.

The two bills before this committee along with the material contained in the briefs prepared by the external affairs department deal with matters which very rightly are of deep concern to all of us in Canada today. The problems of ensuring that each Canadian enjoys the human rights to which he or she is entitled affect all levels of government and every single Canadian citizen. Our efforts must be felt at the federal level, at the provincial level and at the municipal level of government.

As you are, of course, aware, the domestic implications of Bill No. C-21 relate almost exclusively to the criminal law and in discussing it I would not wish in any way to trespass in the area of responsibility of the Department of Justice. I shall therefore direct my remarks mainly to the international aspects of this proposed legislation.

As we can see from the preamble to the bill, its expressed purpose is "to give effect to the convention on genocide approved and ratified by both houses of parliament in March 1952." I think therefore that I should first refer briefly to that convention and to its history. I have brought with me some extra copies of the genocide convention in case any of the committee would like to have a look at its provisions.

The subject of genocide first came before the general assembly of the United Nations shortly after the last world war. There emerged a strong desire by many countries to make it clear beyond all possible doubt that the killing of a people whether in wartime or peace was an international crime—an offence against humanity and mankind. The United Nations in 1946 passed a resolution condemning genocide and requesting the Economic and Social Council to prepare a draft convention to deal with it.

If it would be helpful to the members of the committee, I have some additional material here. I could explain the structure of the economic and social council, the Human Rights Commission, and how the genocide convention and related documents were prepared.

The Economic and Social Council, which is the United Nations counterpart in the economic, social and humanitarian fields of the Security Council consists of 18 members of the United Nations who serve for three-year terms. Canada was elected to the Economic and Social Council for its fourth three-year term on February 10, 1965. The Economic and Social Council makes or initiates studies and reports with respect to international economic, social, cultural, educational health and related matters. It makes recommendations on such matters to the General Assembly, to the members of the United Nations, and to the specialized agencies concerned. It also makes recommendations for the purpose of promoting respect for the observance of human rights.

The Economic and Social Council is empowered to set up functional and regional commissions to assist it and to exercise a limited co-ordinating function over the specialized agencies. The following functional commissions have now been established: Statistical, Population, Social, Status of Women, Narcotic Drugs, International Commodity Trade, and Human Rights.

The Commission on Human Rights which meets annually was established to prepare proposals, recommendations and reports regarding:

- (1) An international bill of rights;
- (2) International declarations or conventions on civil liberties, the status of women, freedom of information, and similar matters;
- (3) The protection of minorities;
- (4) The prevention of discrimination on the basis of race, sex, language, or religion; and
- (5) Other matters concerning human rights not covered in this enumeration.

Canada was elected for a three-year term on the commission starting on January 1, 1963 and the Canadian delegation will be attending its third session of the commission beginning on March 22 in Geneva. In the past two years the commission has drafted a declaration and a convention on the elimination on all forms of racial discrimination and at its session later this month the commission will be drafting a convention on the elimination of all forms of religious intolerance.

The Commission on Human Rights has a Subcommission on the Prevention of Discrimination and Protection of Minorities consisting of 14 experts who meet at least once a year for a period of three weeks. The subcommission's terms of reference are:

- (i) To undertake studies, particularly in the light of the universal declaration of human rights, and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious, and linguistic minorities.
- (ii) To perform any other functions which may be entrusted to it by the economic and social council or by the Commission on Human Rights.

The subcommission usually meets several months before the commission holds its sessions in order to prepare a preliminary draft of whatever international agreement the commission intends to consider at its session.

After various developments relating to the convention which are described in the brief submitted to you earlier, the convention was signed by Canada on November 28, 1949. It was tabled in the House of Commons on March 2, 1950 and thereafter the convention was referred to the Standing Committee on External Affairs. After considering the various items of evidence in support of the convention, the committee approved it on May 9, 1952. On May 21, 1952 the house approved a resolution ratifying the convention and the Canadian instrument of ratification was deposited with the United Nations on September 3, 1952.

Again, if it would be convenient to the members of the committee I have material on the convention and I could outline this so that it would be on the record.

The Convention on the Prevention and Punishment of the Crime of Genocide is concerned with criminal acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group as a group. It embodies a special application of the general undertaking by members of the United Nations, under the Charter and the Universal Declaration on Human Rights, to promote respect for human rights and for fundamental freedoms for all. The special human right which it protects is that of the individual to live in freedom as a member of an ethnic, cultural or religious group. The convention, like the term genocide itself, was a product of the last war. Adopted by the General Assembly of the United Nations in 1948, it resulted from the realization of the tragic occurrences of the war, particularly in occupied countries, which shocked the conscience of nations. Crimes against mankind became a new category of crimes under international law, along with crimes against peace judged at the Nurnberg trial and war crimes which form the subject of the Geneva conventions for the protection of war victims.

Article I of the convention states that genocide is a crime under international law whether committed in time of peace or in time of war. That is to say, its effect is constant and the crimes may, according to the circumstances, be treated either as war crimes or as crimes against mankind. This quality was noted in the course of the parliamentary debates and studies which, in the early 50's preceded the ratification of the convention by Canada. Statements made at the time herald it as a first step toward an international system of effective protection of human rights.

The convention purports to establish this effective protection both at the international level and in the realm of domestic jurisdiction.

Article 6 contemplated the establishment of an international penal tribunal. During the ensuing years, the idea of such a tribunal of international criminal jurisdiction was actively studied by the United Nations. It did not materialize as the majority of countries viewed it, and still view it, as involving a curtailment of national sovereignty which they are not yet prepared to agree to.

At the national level, the convention provides that persons charged with genocide, either as direct participants or as accomplices or instigators, shall be tried by a competent tribunal of the state in the territory in which the act was committed. Given that any act constituting genocide is applicable to individuals, the relevant charge or charges, in our legal and judicial system, are to be found in the sections of our Criminal Code.

It may be worth adding in this connection that such acts to destroy a given group, ethnic or other, which the convention singles out as crimes exclude by definition acts involving only discrimination. The efforts of a good many committees of the United Nations and of specialized agencies including UNESCO and the I.L.O. have in recent years been devoted to considering the problem.

The interest of these bodies spring in part from a concern lest discriminatory practices, in cases where the result from an intention to persecute a group might, over the course of the years, stimulate or lead to the commission of certain acts denounced by the genocide convention.

To date 66 states have ratified or acceded to the convention. Major abstainers include Britain, Portugal, Japan, Spain, Switzerland and South Africa, who have not signed, and the United States, who signed but did not ratify.

Bill No. C-21 does not in fact restrict itself to the terms of the convention and, in its third clause, it appears to go beyond them since this Section clearly refers to group libel rather than genocide. As you are also all no doubt aware, this provision, which is an attempt to deal with racial or group hatred, raises very directly the fundamental issue of free expression in Canada. The implications of that part of the bill are not ones on which I want to comment directly at any length. I would, however, like to point out that it would appear to have been made clear to this committee in 1952, when it discussed the genocide convention, that the Convention was not intended to cover acts of mere discrimination per se, and instead related to acts which involved, in accordance with article II of the convention, an actual intention to "destroy".

Bill No. C-21 also deals with the subjects covered by the declaration on the elimination of all forms of racial discrimination which was adopted unanimously by the United Nations general assembly of 1963. A description of that declaration and the subsequent developments relating to its sister convention are described in our earlier brief, which has already been referred to the committee. Perhaps it will be useful if I were to give an outline to complete this statement, or would you prefer to retain this material for tabling?

The CHAIRMAN: I wonder Mr. Cadieux, if you would take this material and indicate to the committee what should be in our record because these minutes are, of course, studied very carefully afterwards. Perhaps all of it should be included.

Mr. KLEIN: I was going to suggest or move that all the material that Mr. Cadieux has referred to should be tabled and form part of the proceedings of this committee.

Mr. PATTERSON: I second the motion.

The CHAIRMAN: Is that agreeable?

Motion agreed to.

Mr. ENNS: Would it still not be useful, as the Chairman suggests, to underline those areas especially falling in line with the submission that you presented this morning.

Mr. CADIEUX: Yes. I will refer to this in my statement now, and then you will have the full text as part of your record.

A declaration on the elimination of all forms of racial discrimination, which I have just mentioned, was adopted unanimously by the United Nations general assembly on November 21, 1963. The most important features of the declaration are its provisions, particularly in article 9, which provides that (a) all propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view of justifying or promoting racial discrimination in any form shall be severely condemned.

(b) all incitement to or acts of violence, whether by individuals or by organizations, against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law;

(c) in order to put into effect the purposes and principles of the declaration, all states shall take immediate and positive measures, in-

cluding legislative and other measures to prosecute and/or outlaw organizations which promote or incite racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour, or ethnic origins.

Now, while a United Nations declaration does not impose any legal obligation on a country which votes for it, particularly in this context, it is an important document which is expected to exert a moral influence and suggest guidelines for legislation. The declaration on the elimination of all forms of racial discrimination provides therefore a standard of conduct for members of the United Nations, and the Canadian government fully supports the aims and purposes of this declaration and voted for it in the general assembly.

Last year I understand that the Department of External Affairs distributed nearly 200 copies of the declaration to governmental agencies and non-government organizations in Canada.

As is usual after a declaration has been proclaimed by the general assembly, an attempt has been made since to draw up a convention on the same subject, a convention which would be legally binding on any state which ratifies it. For this reason most member governments will probably not have taken yet any legislative action as a result of the declaration on racial discrimination because the United Nations Human Rights Commission, of which we are a member has partially drafted a convention on the subject which the economic and social council last summer referred for the consideration of the general assembly. When this draft convention on the elimination of all forms of racial discrimination has been passed by the General Assembly, and this would probably be at its next session in the coming autumn, it will be open for signature and subsequent ratification by member states. Its major provisions are similar to those which are listed in the brief that we have circulated and that I have just outlined as they appear in the declaration on the same subject, but it is too early to say to what extent the draft convention may be amended by the general assembly before it is finally adopted.

Parts of the preamble of the draft convention state that doctrines based on racial differentiation or superiority are scientifically false, morally condemnable, socially unjust and dangerous, and that discrimination is an obstacle to friendly relations among nations and capable of disturbing peace and security. The preamble also refers to manifestations of racial discrimination and of governmental policies based on race superiority and hatred.

The operative articles of this draft convention would have signatories undertake not to engage in racial discrimination in public fields of activity; particularly condemn racial segregation and apartheid; make punishable incitement to racial discrimination by individuals, groups of persons or organizations, resulting in or likely to cause violence; and declare illegal organizations or their activities and organized propagandist activities promoting and inciting racial discrimination. Other provisions would ensure equality before the law and prohibit racial discrimination in the enjoyment of political, economic, social and cultural rights, and require signatories to assure effective remedies and protection against any racial discrimination described in the convention.

In addition to the United Nations declaration and convention against racial discrimination we have also described in our brief the drafting by the United Nations of a declaration on the elimination of all forms of religious intolerance. Since submitting our brief to you, the subcommission on discrimination, of the United Nations Human Rights Commission has drafted a convention on the elimination of religious intolerance which will be considered by the Human Rights Commission itself at its 21st session which is to be held in Geneva.

Perhaps I can say a word or two about this last special document on religious intolerance. At its last session in March, 1964, the Human Rights Com-

mission instructed a working group, of which Canada is a member, to prepare a draft declaration on the elimination of all forms of religious intolerance. The group was to use as a basis for its discussion a text submitted by the United Nations Commission on Prevention of Discrimination and Protection of Minorities. The working group ran into many difficulties since matters relating to religion and belief encompass every aspect of life from the economic and political to the educational and social points of view. Nevertheless the working group was able to produce six articles representing about one-half of the proposed draft declaration. These articles may be considered at the next session of the general assembly.

Some of the important features of the draft articles of the declaration on the elimination of religious intolerance which have been prepared so far provide that discrimination between human beings on the ground of religion or belief is an offence to human dignity and is a denial of the principles of the United Nations charter and of the declaration of human rights. No individual or group, it is foreseen by this draft, shall be subjected by any state, institution, group or individual, on the ground of religion or belief, to any discrimination. Furthermore it is suggested that all states should prevent discrimination based on religion or belief through the enactment or rescinding of legislation where necessary, and take all appropriate measures to combat those prejudices which lead to religious intolerance.

There is another document which is being prepared to parallel this declaration in the form of a convention in regard to religious discrimination, just as I have described has happened in regard to racial discrimination.

(French—not recorded.)

Mr. Chairman, if I may refer briefly in English to what I have said in French, I referred to the information we circulated to the committee on legislation which has been adopted in other countries during approximately the last twenty-five years on the subject which is of concern to the committee.

Our brief refers to legislation adopted in Austria, India, Denmark, Germany, the Netherlands, Norway, Sweden, and Switzerland. In all of these countries except three these laws have been adopted during the last twenty years; it seems that the laws in the Netherlands, Norway and Sweden were adopted before the second world war.

Our department is not in a position to indicate to what extent prosecution has been undertaken within the framework of these laws, and we are not in a position to indicate to what extent this legislation has been effective. There does not seem to be a relationship between the penalty and the fine imposed, or the length of imprisonment between the various countries in respect of the legislation we have outlined. What may be interesting to the committee is that we just learned last Tuesday that the United Kingdom government intends to present to parliament a bill relating to incitement to racial hatred. We do not have any information on the details of this but when we do we will communicate it to the committee. Thank you, Mr. Chairman.

The CHAIRMAN: Ladies and gentlemen, are there any questions you would like to address to Mr. Cadieux or to Mr. Wershof.

Mr. GELBER: Mr. Chairman, we are privileged to have with us this morning Mr. Cadieux and Mr. Wershof. We certainly have had an excellent presentation.

Mr. Chairman, I would like to have the opinion of the departmental officials in respect of the crime of genocide. It has been properly thought that this crime purely related to the destruction of people, but I rather gather from Mr. Cadieux's presentation that there is another part which has to do with

incitement. I wonder if the officials of the department would accept this two-fold purpose of the crime of genocide as outlined in the United Nations documents.

Mr. M. H. WERSHOF, Q.C. (*Legal Adviser, Assistant Under-Secretary of State for External Affairs*): Mr. Chairman, if I may enlarge on what Mr. Cadieux endeavoured to explain earlier, the convention itself says that the following acts would be punishable, and then it lists five. Genocide is one, and another is direct and public incitement to commit genocide. Therefore, there is no doubt that incitement to commit genocide is covered by the genocide convention, and that the Canadian government, having ratified the convention, has an international duty to punish any direct and public incitement to commit genocide.

However, when Mr. Cadieux was referring to the work that is going on in the United Nations through the Commission on Human Rights in developing, for example, the declarations and draft conventions on racial discrimination and on religious intolerance, he pointed out—and, in fact, we know this from speeches and discussions in the United Nations—that among the reasons the nations of the world are developing the proposed conventions against racial discrimination and religious intolerance would be the reason that racial hatred and religious intolerance are perhaps the seeds from which in some countries, as in Germany during the last war, genocide grows. But, as far as the genocide convention itself is concerned, I think it is clear, and it is our departmental view, that the genocide convention is not purporting to deal with the question of racial discrimination or religious intolerance.

Mr. GELBER: Thank you very much. Mr. Chairman, I have a further question. When Mr. Varcoe, the deputy minister of justice, appeared before this committee some years ago, when the convention was being considered, he said it was his opinion that no additional legislation was required in Canada to fulfil our moral obligation as a signatory to the genocide convention. Has the department any views on that matter at the present time, in view of legal decisions which have been given in Canadian courts about the laws on the statute books of Canada.

Mr. CADIEUX: With regard to the implementation domestically of the genocide convention there have been recent exchanges of correspondence with the justice department and I understand it is still the Canadian government's position, in respect of the implementation of the genocide convention, that it is still not necessary to provide legislation, and that the scope of our existing criminal legislation is adequate to implement it. But, I hasten to add, this is the position with regard to the genocide convention. What we have in prospect now is a number of conventions that will be adopted, and I really cannot say what the position will be in regard to these that are more directly related to the question of discrimination. The position really is very limited to genocide itself, that is extermination, incitement to destruction, not discrimination.

Mr. GELBER: I was just concerned with the question of incitement. I am wondering whether that aspect is adequately covered by existing law.

Mr. CADIEUX: All I can say on this is that we are reporting here the views, as we understand them, of the Department of Justice. If you were interested in having the specific reasons for this attitude it seems to me it might be better to ask the experts of the Department of Justice to explain this opinion. We are merely relaying it to you. I think this is a field where the expertize comes from this other department. But, I think an important aspect of this is the prospect of new conventions and the need for a re-examination of the situation in the light of this, particularly as these new conventions seem to

be more related to the thrust and the efforts of this committee, which is discrimination and the prevention of it.

The CHAIRMAN: Have you a question, Mr. Walker?

Mr. WALKER: Are there just the two declarations that are being considered now, the one against discrimination and the one on religious intolerance?

Mr. CADIEUX: There are at least four documents. There are two declarations and two conventions. There is the declaration and the convention on racial discrimination and the declaration and convention on religious intolerance. With regard to racial discrimination the declaration already has been adopted and the convention is in prospect. The other two are more in draft form at this stage.

Mr. WALKER: Perhaps it would be better if I put this question to officials from the Department of Justice. I am referring to Mr. Justice Wells's decision on another aspect, the use of the mails. Was that a legal decision or can it be so considered? I am referring to the most recent decision and I was wondering if it could be tested in the courts. In this case the use of the mails was denied to certain people; they went to the board of review. The board of review consisted of Mr. Justice Wells and a couple of others.

Mr. WERSHOF: Mr. Chairman, our department really could not pronounce on the question of how this section of the Post Office Act could be tested in the courts. But, if I may give my personal impression, Mr. Justice Wells was not sitting as a court; this was a special procedure provided for under the Post Office Act. I do not know whether or not there is any way either for the people who are distributing the literature or those who are opposed to the distribution of it to have the whole business tested in the courts. I think, again, the Department of Justice—and I do not want to appear to be passing the buck on to them, but after all they are the legal advisers to the government—might have an opinion on whether or not there is a way to have the whole proceeding tested in an actual court of law.

Mr. WALKER: I have one more question. Are there legislative acts that Canada should undertake in order to complete any obligation they have by virtue of signing certain declarations of the United Nations?

Mr. WERSHOF: In respect of the genocide convention, as I said a little earlier, our impression is that the department of justice and the Canadian government think not, as far as genocide is concerned.

Mr. CADIEUX: For the others, it is hard to know, because we do not know whether the general assembly will change these drafts, and before we have the general picture before us in actual convention form, it would be impossible to indicate to what extent legislation might be needed.

Mr. WALKER: I was trying to separate justice from external, and I was asking my questions from the external affairs point of view, having regard to Canada's relations.

Mr. CADIEUX: We consult between the two departments. When it comes to the signing and formalities of the contract, we keep in close touch with the Department of Justice. Before we sign, we obtain from them an indication of what the domestic implications are, and then the government would decide whether to sign or not to sign in the light of what they judge would be involved.

Mr. WALKER: Who recommends to whom that other legislation is needed in order to carry out the intent of Canada's signing?

Mr. CADIEUX: There are two phases. While the agreement is being negotiated the government, before signing, will want to have the advice of the

Department of External Affairs and of the Department of Justice in the light of what may be legislative implications. This is the first phase. Once the signing has taken place however, then the government must come to the house with proposals to implement it, and there it is that the Department of Justice would operate.

Mr. WALKER: Before you get to that stage, is there a question of arriving at an agreement between external affairs and justice whether or not legislation is necessary?

Mr. CADIEUX: The Department of Justice is the final authority, in my view.

Mr. WERSHOF: The Department of Justice is the department which gives official advice to the government whether legislation is legally necessary in order to accomplish certain objectives. It is conceivable that here one gets into the field of policy, whether the government should decide to have some legislation on a subject, in case it was absolutely necessary legally to have it in order to carry out an obligation. That conceivably is a matter of judgment for the government.

Mr. WALKER: I have one more question which is hypothetical and you may not care to answer it. If external affairs should advise the Department of Justice that in their opinion the intent of what Canada has done externally at the United Nations by signing can only be carried out by domestic legislation, and if the Department of Justice should think otherwise, then the decision of the Department of Justice is taken by the government rather than that of external affairs.

Mr. CADIEUX: Yes, but that is a situation which I do not think would very likely arise because they have the expertize as to what legislation there is in the statute books and what would be needed in order to carry out the international commitment. But in the end they are the advisers of the government in this field, and I think that normally their views would prevail. As it happens very often between government departments. We in external affairs would be very concerned with the extent of our international legal obligations, and we would have to have regard to what we thought was the state of legislation here which would enable us to fulfil that international commitment. Naturally we might have views to express to the Department of Justice, and they might take into account our representations on whether or not there was adequate legislation already in the country in order to carry out the international commitment.

Mr. WALKER: Thank you very much.

The CHAIRMAN: Before recognizing Mr. Enns, there has been reference made to the post office board of review. Members will recall that under date of October 28, 1964, John R. Nicholson who was then postmaster general referred the matter of an interim prohibitory order made on September 29, 1964, prohibiting delivery in Canada of all mail directed to the National States Rights party to a review board which was headed by the Hon. Mr. Justice Dalton Wells, Mr. Roderick Bedard, Q.C., and Mr. G. Douglas McEntyre, Q.C.

There has come to my hand the report of this board of review which touches very closely on the subject matter of Bill No. C-43, which is Mr. Orlikow's bill to amend the Post Office Act. It has been suggested that this entire report of the board of review should be incorporated into our proceedings today so that it might be studied carefully by all members of the committee. Might I have a motion to this effect?

Mr. KLEIN: I so move.

Mr. PATTERSON: I second the motion.

The CHAIRMAN: All those in favour?

Motion agreed to.

I ask the members when they receive today's proceedings to study very carefully this very interesting report of the board of review.

Mr. LEBOE: Is there not a summary of that report contained within it?

The CHAIRMAN: I think the report is adequately documented.

Mr. LEBOE: It is quite a large report.

The CHAIRMAN: Yes, it is. But there is a good index and I think you will find it quite manageable in the way it is. Certainly it is something which calls for a pretty detailed study by all members of the committee. This might be about as useful in the way of evidence as anything we have had so far.

Mr. ENNS: I was interested in pursuing Mr. Walker's line of questioning about who advises whom on the need for legislation to implement the terms of the genocide convention.

Perhaps we might take some responsibility as a committee to make recommendations in this regard, because it would fall outside the scope of legal judgment and become a matter of policy recommendation, which is properly a function of this committee. Of course, when the committee comes to make recommendations, this might be one of those recommendations which we might wish to make. But coming more specifically back to the report which we have heard of today and to which I listened with great interest, it seems to me that we are here being given the framework in which the proposed legislation that we might ourselves undertake in this Canadian House of Commons in regard to this whole question of genocide or discrimination may lie. My specific comment comes back to your statement that the genocide convention does not include only discrimination. Did I understand this correctly?

Mr. CADIEUX: This is my understanding. It is directed at preventing destruction, and incitement, too.

Mr. ENNS: Building on what Mr. Gelber said about incitement, often discrimination itself invites incitement, and this may be just one of those marginal definitions that can be used in both ways.

I am interested to note that some major powers have not ratified this convention. I was surprised that Britain and the United States are not among the 66 countries which have ratified the convention.

Mr. CADIEUX: I can read the list again if it would be helpful.

Mr. ENNS: Yes, it would be helpful if you gave us the list of the six or eight that you mentioned before.

Mr. CADIEUX: The major abstainers I mentioned include Britain, although as I have said, there will be legislation introduced soon in the United Kingdom, we understand. Whether it will be about genocide I do not know. The others are Portugal, Japan, Spain, Switzerland, and South Africa; they have not signed the convention.

Mr. KLEIN: It is contrary to apartheid.

Mr. CADIEUX: I assume there would be difficulty there, of course.

Mr. ENNS: It would not make sense to put Switzerland and South Africa in the same bracket.

Mr. CADIEUX: I am just saying that they have not signed. The United States have signed but they have not ratified the genocide convention yet.

Mr. GELBER: I believe there is a question of states' rights.

Mr. CADIEUX: Yes. Usually there can be at least two sources of problem. One problem can be in the case of federal states when provincial or state rights are involved. This may involve an inhibition on the part of the central government. Another problem arises when the states have a bill of rights and certain provisions in the national legislation which are not in line with the proposals in the convention.

Mr. ENNS: Earlier witnesses before this committee have given some very excellent evidence regarding the whole question of prejudice and the manner in which this evolves in a society. I think the emphasis has been placed by the earlier witnesses on the fact that this can be corrected or can best be corrected by a broader emphasis on education. I believe they have said that educational progress will come to erase those prejudicial thoughts that all of us harbour. Yet, as we listen to more and more of the information that has been given, and especially the kind of information we have heard today, I am coming to the view that this needs to be supported more strongly by supportive legislation. I am hoping that when we come to recommend legislation we will do so within the encompassing framework of the international conventions that you have already described today.

Mr. CADIEUX: This is not the full extent of the United Nations effort in this field. I think the efforts of the social and economic council to improve conditions in developing countries might have an effect. The efforts of UNESCO in promoting better understanding between groups and assisting people to have better education is also relevant. United Nations is approaching this problem from a variety of angles.

Mr. WALKER: May I ask a supplementary question, Mr. Chairman?

It is very difficult to categorize some of the major powers that have not gone ahead with this. I believe you said 66 have signed so far. Do you know anything about any background of educational programs which would show why these 66 countries have finally come to legislation? It seems to me that these countries go through different stages. We have had some witnesses who have felt very keenly about the matter of civil rights. They want to make sure that the freedoms under civil rights are not disregarded, but while they do not consider that legislation is the only way to go about this problem, these witnesses invariably said that after a certain period of trying an educational program they are coming to the conclusion that they need a legislative weapon to assist the educational program.

Are these 66 countries in the category of countries which have had an educational program and have finally decided that they must go to legislation in contrast to those countries who are still going through an educational program?

Mr. CADIEUX: It might be possible to do it, but I think it would take some research. At the moment I regret to say we do not have information on this, and I am not sure that it would even be appropriate for a foreign service officer to express judgment as to the reasons that have led another government finally to make a decision. In some cases, it might be a matter of opinion; it might not be very clear; and it might be difficult for foreign service officers to indicate on the record why in their view a certain government has moved. I think it could be an object of quite interesting and useful research to find out which countries have signed recently and anything that it is possible to find out about the background. It would be useful to find out what has been the evolution.

Mr. WALKER: Some countries may have done nothing because they have no problems. On the other hand, some countries may have done nothing because they have a very serious problem and at the moment they may not know how to handle it.

Mr. DINSDALE: May I ask a question supplementary to Mr. Enns' question.

Does Mr. Cadieux have any background knowledge on the United Kingdom abstention? Was it abstention without explanation?

Mr. CADIEUX: No, I think it is a problem that arises in countries that have no constitution and operate through the courts to protect the rights of the individual. This is a difficult problem. I think they may have found a way round this, but I know in the initial stages of the examination here before there was a bill of rights in this country it was something we had in mind.

Mr. DINSDALE: Did they abstain from signing as well as from ratifying?

Mr. CADIEUX: The United Kingdom has not signed, according to my information.

Mr. WALKER: Yet they are working on legislation.

Mr. WERSHOF: May I add that the United Kingdom has not announced recently that they are going to introduce legislation regarding genocide. They have announced they are going to introduce legislation regarding the promotion of racial hatred.

If I may add a word to what Mr. Cadieux said, although obviously we do not know why different governments do or do not introduce certain kinds of legislation or do or do not adhere to certain conventions, it may well be that a country or government decides to have legislation against incitement of racial hatred or legislation against religious intolerance, but it does not necessarily follow that that legislation will be in the context of the genocide convention.

The latest example of that is the British government which has said they will introduce a bill—I forget the exact words of their announcement—to be directed against incitement of race hatred. They have not said they are going to do this in the context of the genocide convention.

Mr. DINSDALE: Is there any possibility that the United Kingdom stand would have been related to the South Africa problem?

Mr. CADIEUX: I do not know.

The CHAIRMAN: I believe Mr. Cadieux has a rather important outside engagement, so we would like to excuse him as soon as we can. However, I will recognize Mr. Klein.

Mr. KLEIN: Most of my questions will be directed to Mr. Wershof. But I would like first to ask Mr. Cadieux a question in his capacity of representative for external affairs here today. We are about to have a bill which will abolish capital punishment, and I believe in all probability we will abolish capital punishment because we have effectively abolished capital punishment already by commuting the death sentence of Marcotte. Would the view of the Department of Justice still be the same if capital punishment were abolished in Canada.

In effect I am saying this, Mr. Cadieux: Genocide carries capital punishment as an international crime, and I would think that genocide should still retain capital punishment even if countries abolish it for crimes of murder of individuals.

Mr. CADIEUX: I am not under the impression that under the convention as it stands we are committed to imposing the death penalty for this crime.

Mr. KLEIN: For genocide?

Mr. CADIEUX: Yes. I think the convention foresees that the legislation will deal with this according to local law. Otherwise, what this convention would have done would have been to proclaim this and expect others to maintain the death penalty forever. I do not think the convention provides for that. It leaves it for the legislators in each country to make an appropriate rule, depending on what their views are in respect of this crime which is a very serious one. However, I do not think it prescribes what should be done.

Mr. KLEIN: I am not in a position to say whether or not that is right. However, if you say so, I assume it must be right.

In your major address you referred to the fact that the subject matter of the bill under consideration went further than the genocide convention, in that it advocated legislation against incitement to hate of groups, nationals, and so on. Would you agree that the crime of genocide does not happen spontaneously and that a conditioning period of hate must first precede it in a country and permeate through a country before genocide is attempted. It is not a spontaneous action.

Mr. DEACHMAN: Nations, cities and towns have been wiped out during the course of history just because of war.

Mr. CADIEUX: I am speaking here only as a foreign service officer concerned with international documents to which Canada is a party. So far as I am concerned, the guiding element here would be article II which refers to very specific acts. The definition of genocide is contained in this article II. It means acts committed with intent to destroy, and the acts are listed: killing people, causing serious bodily harm, inflicting on the group conditions of life calculated to bring about its physical destruction, imposing conditions and transferring children. I certainly agree that these things might develop suddenly or spontaneously, but what would be the various factors which could lead to this is beyond my field of expertise.

Mr. KLEIN: It took ten years in Germany. You stated you were waiting for the convention of the United Nations on the elimination of racial discrimination which now is being formulated.

Mr. CADIEUX: Yes.

Mr. KLEIN: If Canada becomes a signatory to that convention, would you say that Canada should implement laws according to its commitment under the convention?

Mr. CADIEUX: As a normal rule, I think the government would legislate to the extent that it would be bound to carry out its international commitments. What these commitments would be, we are not now in a position to say. These would be based on consideration of what is the present state of the legislation. If it would be possible to carry on within the existing legislation, you might not have new legislation.

Mr. KLEIN: Would it not be an indication of moral support of the United Nations if Canada did, in fact, pass legislation against genocide, notwithstanding the fact that it might be considered that the law now is sufficient.

Mr. CADIEUX: It would be a matter of policy.

Mr. KLEIN: It would be a matter of good moral support of the United Nations.

Mr. CADIEUX: I think here we are in a field of policy.

Mr. KLEIN: In the report of the board of review established by the Postmaster General with regard to the action taken by the Postmaster General of Canada in prohibiting certain literature passing through the mails, this literature has been deemed by the commission to be scurrilous, which means, as I understand it at the moment, that this literature covered by the commission's investigation will not reach the recipients any more through the mails of Canada. Is this right?

Mr. WERSHOF: I assume that is the purpose, but our department is not administering the Post Office Act and I do not know just what the effect of it is.

Mr. KLEIN: Is there not anything the Department of External Affairs is doing or studying in respect of disallowing the importation of this literature, not necessarily through the mails, but across the border?

Mr. WERSHOF: No. Our department has no jurisdiction in that matter. We have not been doing anything in that field.

Mr. KLEIN: And you make no recommendations in that field?

Mr. WERSHOF: No, sir; certainly until this time we have not done anything on the subject of importation of literature.

Mr. KLEIN: In view of the decision of this commission will your department take any action in the form of making any representation to the United

States government asking the United States government to use its influence to see that this type of literature does not reach Canada from its places of origin?

Mr. CADIEUX: Again, I think this is a matter of policy. In our discretion as civil servants we will convey this matter to our minister. We will ask him to consider it and ask the government to consider it. However, as civil servants we are not in a position to say what we will or will not do.

Mr. KLEIN: You will bring it to their attention?

Mr. CADIEUX: We will be glad to do so.

Mr. KLEIN: The reason I am putting these questions to you gentlemen is that this literature now is coming from Birmingham, Alabama, and different sections of the United States. Even this morning some literature has been received from Vancouver. However, the literature comes mainly from the United States, and therefore I would think it would be a matter, at least, for investigation by the Department of External Affairs. The provisions of the commission's finding would mean that the mails no longer can be used for the purposes that this commission foresees, but this would not stop an individual in Canada from taking the literature, following the postman, and depositing the literature in every post box in the country. This would not be an offence.

Mr. WERSHOF: We are not in a position to say. This is a different law. That may be so, but our department is not aware of the criminal law in relation to the Post Office Act.

The CHAIRMAN: I do not wish to be too strict in respect of relevance; but we have had a great many representations from persons on matters as closely related to genocide as the use of atomic weapons. This is an example of a peripheral problem. In the limited time we have for our work in this committee before the end of this session, I wonder whether we could endeavour to be just as relevant as we possibly can. If I may, I would like to recognize Mr. Choquette and then Mr. Brewin.

Mr. BREWIN: Mr. Chairman, you introduced the subject I was about to raise. It is now five minutes to 11. As I understand it the house is meeting at 11. The session may come to an end in a week or so, and in that event I would presume this committee dies. I am wondering whether you, Mr. Chairman, or the steering committee have any plan so that we may produce at least some sort of an interim report from the committee before it goes out of existence. It would be a pity in view of all the excellent evidence we have had from the witness today, and others, if we did not put our minds on some positive result or recommendation.

The CHAIRMAN: On that matter, ladies and gentlemen, I have had some discussion with Dr. Maxwell Cohen, Dean of McGill, who is chairman of a special legal group that was appointed by the Minister of Justice to look into the question of legislation. I spent one day in Montreal with Dr. Cohen and he was here recently, as you perhaps recall, with this committee. I think that if we go into a new session of parliament immediately, as is anticipated, probably the standing committee on external affairs would be reconstituted and continue on with its study. I should think that there are still quite important witnesses to be heard. We anticipate next week hearing from the Canadian Jewish Congress. There are a number of other people that we had hoped to hear from but found it impossible to hear them up to this time. I do think though that what Mr. Brewin has suggested is very important; that is, at least this committee should be in a position, before the end of the session, to present to parliament an interim report.

Mr. BREWIN: If it does nothing else, then it could recommend what you now say, that the matter be referred to the new committee of the new session at an early date.

The CHAIRMAN: I would certainly welcome suggestions from each and every member of the committee with respect to the nature of the general interim report that would be appropriate to this very important subject. I wonder if I could recognize Mr. Choquette.

(Interpretation)

Mr. CHOQUETTE: I just have one question to put to Mr. Cadieux. This is a very topical problem. What are your views on the separatists and terrorists activities within the ambit that we are discussing at the present time? Could this not be considered from the general point of view of racial hatred?

Mr. CADIEUX: I am here to give evidence on behalf of the external affairs department in connection with certain outside engagements entered into by the country. Now, speaking personally, I do have views; but, as a civil servant, I do not think I should express those views before your committee.

Mr. CHOQUETTE: I have put the question because Quebec has signed an international agreement.

Mr. CADIEUX: I must indicate at this point that if Quebec has been involved in the signing of agreements, which are somewhat akin to or are in fact international agreements, this has been done with the agreement of the federal government and because of the intervention of the federal government.

(Text)

The CHAIRMAN: I must thank Mr. Cadieux for his great help to us, not only today, but indeed throughout our efforts heretofore, and Mr. Max Wershof. They have added to the helpful material for our consideration. We will now adjourn until next week. Thank you.

APPENDIX C

THE UNITED NATIONS AND RACIAL PROPAGANDA

A Declaration on the Elimination of all Forms of Racial Discrimination was adopted unanimously by the United Nations General Assembly on November 21, 1963. A copy of the Declaration is attached. The most important features of the Declaration are its provisions that:

- (a) All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view of justifying or promoting racial discrimination in any form shall be severely condemned;
- (b) all incitement to or acts of violence, whether by individuals or organizations, against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law;
- (c) in order to put into effect the purposes and principles of the present Declaration, all states shall take immediate and positive measures, including legislative and other measures to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

While a United Nations Declaration does not impose any legal obligation on a country which votes for it, it is an important document which is expected to exert a moral influence and suggest guide-lines for legislation. The Declaration on the Elimination of all Forms of Racial Discrimination therefore provides a standard of conduct for members of the United Nations, and the Canadian Government fully supports the aims and purposes of the Declaration and voted for it in the General Assembly. Earlier this year the Department of External Affairs distributed nearly 200 copies of the Declaration to governmental agencies and non-governmental organizations in Canada.

It is usual after a declaration has been proclaimed by the General Assembly, to draw up a convention on the same subject which is legally binding on any state which ratifies it. For this reason most member governments will probably not have taken any legislative action as a result of the Declaration, because the United Nations Human Rights Commission, of which Canada is a member, has partially drafted a Convention on the subject which the Economic and Social Council this summer has referred for consideration to the nineteenth session of the General Assembly which commenced on December 1, 1964. When the draft Convention on the Elimination of all Forms of Racial Discrimination has been passed by the General Assembly it will be open for signature and subsequent ratification by member states. A copy of the draft Convention is attached. Its major provisions are similar to those listed before appearing in the Declaration on the same subject although it is too early to tell to what extent the draft Convention will be amended by the General Assembly before its final adoption.

There is one other United Nations draft declaration which is relevant to the subject under discussion. At its last session in March, 1964, the Human Rights Commission instructed a working group, of which Canada was a member, to prepare a draft Declaration on the Elimination of all Forms of Religious Intolerance, using as a basis for its discussion a text submitted by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, which is composed of a small group of experts on such matters. The working group ran into many difficulties since matters relating to religion and

belief encompass every aspect of life, from the economic and political to the educational and social. Nevertheless the working group was able to produce six articles representing about one-half of the proposed draft declaration. The articles appear in the working groups report (attached) which may be considered at the forthcoming General Assembly, although probably only to the extent of re-submitting the question to the Human Rights Commission for completion of the drafting of the Declaration at its 21st session in 1965.

Some of the important features of the draft articles of the Declaration on the Elimination of Religious Intolerance which have been prepared so far are that:

- (a) discrimination between human beings on the ground of religion or belief is an offence to human dignity and is a denial of the principles of the United Nations Charter and Declaration of Human Rights;
- (b) no individual or group shall be subjected by any State, institution, group or individual on the ground of religion or belief to any discrimination;
- (c) all States should prevent discrimination based on religion or belief through the enactment or rescinding of legislation where necessary, and take all appropriate measures to combat those prejudices which lead to religious intolerance.

It cannot be accurately foreseen at this stage whether the General Assembly will eventually adopt a Convention as well as a Declaration on the Elimination of all Forms of Religious Intolerance.

THE GENOCIDE CONVENTION

The subject of Genocide first came before the General Assembly of the United Nations shortly after the last War. There emerged a strong desire by many countries to make it clear beyond all possible doubt that the killing of people whether in wartime or peace was an international crime—an offence against humanity and mankind. The United Nations in 1946 passed a resolution condemning genocide and requesting the Economic and Social Council to prepare a draft convention to deal with it. Such a draft, prepared by the Secretariat, was discussed by the 7th session of the Economic and Social Council. This was followed by further studies of the draft in the 6th (Legal) Committee of the United Nations in October 1948, and the Convention was finally approved unanimously by the General Assembly on December 9, 1948. Canada played an active role in the discussions in these various bodies.

After approval by the General Assembly the Convention became open, until December 31, 1949, for signature and ratification by any member-state of the United Nations and by any non-member to whom an invitation to sign was addressed by the General Assembly. The Convention came into force on January 12, 1951, and as of the present date nearly 70 states has ratified or acceded to it.

The Convention was signed by Canada on November 28, 1949. It was tabled in the House of Commons on March 2, 1950, and in the Senate on March 14 of that year. A resolution approving Canadian ratification of the Convention was introduced into the Commons on May 7, 1952 and was immediately referred to the Standing Committee on External Affairs. After considering the various items of evidence in support of the Convention, the Committee approved the Convention, and the resolution thereon, on May 9, 1952. On May 21, 1952 the House approved the resolution. On May 27, 1952 the Senate approved a similar resolution and the Canadian instrument of ratification was deposited with the United Nations on September 3, 1952.

December, 1964

Department of External Affairs.

UNITED NATIONS GENERAL ASSEMBLY

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Third Committee (A/5603 and Corr. 1, A/L.435)]

1904 (XVIII). *United Nations Declaration on the Elimination of All Forms of Racial Discrimination*

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, and that the Declaration on the granting of independence to colonial countries and peoples proclaims in particular the necessity of bringing colonialism to a speedy and unconditional end,

Considering that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or in practice,

Taking into account the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, in particular the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, in the field of discrimination,

Taking into account the fact that, although international action and efforts in a number of countries have made it possible to achieve progress in that field, discrimination based on race, colour or ethnic origin in certain areas of the world none the less continues to give cause for serious concern,

Alarmed by the manifestations of racial discrimination still in evidence in some areas of the world, some of which are imposed by certain Governments by means of legislative, administrative or other measures, in the form, *inter alia*, of *apartheid*, segregation and separation, as well as by the promotion and dissemination of doctrine of racial superiority and expansionism in certain areas,

Convinced that all forms of racial discrimination and, still more so, governmental policies based on the prejudice of racial superiority or on racial hatred, besides constituting a violation of fundamental human rights, tend to jeopardize friendly relations among peoples, co-operation between nations and international peace and security,

Convinced also that racial discrimination harms not only those who are its objects but also those who practise it,

Convinced further that the building of a world society free from all forms of racial segregation and discrimination, factors which create hatred and division among men, is one of the fundamental objectives of the United Nations,

1. *Solemnly affirms* the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person;

2. *Solemnly affirms* the necessity of adopting national and international measures to that end, including teaching, education and information, in order to secure the universal and effective recognition and observance of the principles set forth below;

3. *Proclaims* this Declaration:

Article 1

Discrimination between human beings on the grounds of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.

Article 2

1. No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the grounds of race, colour or ethnic origin.

2. No State shall encourage, advocate or lend its support, through police action or otherwise, to any discrimination based on race, colour or ethnic origin by any group, institution or individual.

3. Special concrete measures shall be taken in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

Article 3

1. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing.

2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

Article 4

All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

Article 5

An end shall be put without delay to governmental and other public policies of racial segregation and especially policies of *apartheid*, as well as all forms of racial discrimination and separation resulting from such policies.

Article 6

No discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person or political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

Article 7

1. Everyone has the right to equality before the law and to equal justice under the law. Everyone, without distinction as to race, colour or ethnic origin, has the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

2. Everyone shall have the right to an effective remedy and protection against any discrimination he may suffer on the ground of race, colour, or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

Article 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the granting of independence to colonial countries and peoples.

Article 9

1. All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.

2. All incitement to or acts of violence, whether by individuals or organizations, against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law.

3. In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

Article 10

The United Nations, the specialized agencies, States and non-governmental organizations shall do all in their power to promote energetic action which, by combining legal and other practical measures, will make possible the abolition of all forms of racial discrimination. They shall, in particular, study the causes of such discrimination with a view to recommending appropriate and effective measures to combat and eliminate it.

Article 11

Every State shall promote respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations, and shall fully and faithfully observe the provisions of the present Declaration, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples.

Annex

Provisions of the Draft International Convention on the Elimination of All
Forms of Racial Discrimination adopted by the Commission
at its twentieth session

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 solemnly affirmed the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination in theory or in practice anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples as evil racial doctrines and practices have done in the past.

Concerned by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation.

Resolved to adopt all necessary measures for eliminating speedily racial discrimination in all its forms and manifestations and to prevent and combat racist doctrines and practices in order to build an international community free from all forms of racial segregation and racial discrimination.

Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by ILO in 1958, and the Convention Against Discrimination in Education adopted by UNESCO by 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

Article I

1. In this Convention the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, [national] or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and

fundamental freedoms in the political, economic, social, cultural or any other field of public life. [In this paragraph the expression "national origin" does not cover the status of any person as a citizen of a given State.]

2. Special measures taken for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article II

1. States Parties to the present Convention condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and to this end:

- (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
- (b) Each State Party shall take effective measures to review governmental and other public policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
- (c) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation if necessary, racial discrimination by any person, group or national organization.

2. States Parties shall take special concrete measures in appropriate circumstances for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms, provided however that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article III

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate, in territories subject to their jurisdiction, all practices of this nature.

Article IV

States Parties condemn all propaganda and organizations which are based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, or which justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination, and to this end, *inter alia*:

- (a) Shall declare an offence punishable by law all incitement to racial discrimination resulting in acts of violence, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;
- (b) Shall declare illegal and prohibit organizations or the activities of organizations, as appropriate, and also organized propaganda activities, which promote and incite racial discrimination;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article V

In compliance with the fundamental obligations laid down in Article II, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;
- (c) Political rights, in particular the rights to participate in elections through universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) the right to freedom of movement and residence within the border of the State;
 - (ii) the right to leave any country including his own, and to return to his country;
 - (iii) the right to nationality;
 - (iv) the right to marriage;
 - (v) the right to own property alone as well as in association with others;
 - (vi) the right to inherit;
 - (vii) the right to freedom of thought, conscience and religion;
 - (viii) the right to freedom of opinion and expression;
 - (ix) the right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights in particular:
 - (i) the right to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration;
 - (ii) the right to form and join trade unions;
 - (iii) housing;
 - (iv) public health, medical care and social security and social services;
 - (v) education and training;
 - (vi) equal participation in cultural activities;
- (f) Access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres, parks.

Article VI

States Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article VII

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information, with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

The working group submitted the following report (E/CN.4/L.713/Rev. 1):

At its first meeting on 25 February 1964, the working group elected Mr. Hakim, (Lebanon) as Chairman-Rapporteur and Mr. Brillantes (Philippines) as Vice-Chairman.

The group held thirteen meetings from 25 February to 10 March 1964.

The working group was instructed by the Commission to prepare a draft declaration on the elimination of all forms of religious intolerance, using as a basis for its discussion the text submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873, para. 142).

There was no disagreement in the working group that the declaration should protect equally the right to adhere to any religion and the right to maintain any non-religious belief. Certain members felt, however, that the text of the draft declaration submitted by the Sub-Commission (E/CN.4/873, para. 142), which used the words 'religion or belief', did not adequately cover the notion of non-religious beliefs, particularly 'atheism'. They would like to have the draft declaration spell out clearly and categorically the right to non-religious beliefs, including 'atheism', and to this end proposed that a definition along those lines should be inserted before article I. On the other hand, several members felt that it was unnecessary to define the terms 'religion' and 'belief' since they were terms whose meanings were well understood in United Nations usage. However, a number of members were prepared to co-operate in drafting a definition if one was deemed essential. The working group agreed to leave the question of a definition to the Commission and decided to transmit to the Commission the following suggested definitions:

- (a) *Austria*: ['For the purpose of this Declaration the term "belief" is understood as expression for the various theistic creeds or such other beliefs as agnosticism, free thought, atheism and rationalism.']
- (b) *Ukrainian SSR*: ['In this Declaration the term "religion or belief" means both religious beliefs and atheistic convictions.']
- (c) *United Kingdom*: ['In this Declaration the term "belief" includes both religious and non-religious beliefs.']

The working group was not able to take into consideration more than the first six articles of the text submitted by the Sub-Commission (E/CN.4/873, para. 142) in relation to which it prepared the draft provisions set forth below. The words in square brackets are those on which no agreement was reached in the working group. The words 'religion or belief' which appear throughout the working group's text are provisional only, and their final form will depend on the Commission's decision on the question of a definition mentioned above.

Text of the articles as prepared by the working group

Article I

Everyone has the right to freedom of thought, conscience and religion. This right shall include freedom to adhere or not to adhere to any religion or [to any religious or non-religious] belief and to change *his* religion or belief in accordance with the dictates of *his* conscience, without being subjected to any coercion likely to impair his freedom of choice or decision in the matter.

Article II

Discrimination between human beings on the ground of religion or belief is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and as an obstacle to friendly and peaceful relations among nations.

Article III

1. No individual or group shall be subjected by any State, institution, group or individual on the ground of religion or belief to any discrimination in the recognition, exercise and enjoyment of human rights and fundamental freedoms.

2. Everyone has the right to effective remedial relief by the competent national tribunals against any acts violating the rights set forth in this Declaration or any acts of discrimination he may suffer on the grounds of religion or belief [with respect to his fundamental rights and freedoms] [as defined by the Constitution or by law].

Article IV

[1.] All States shall take effective measures to prevent and eliminate discrimination based on religion or belief, in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life. They should enact or rescind legislation where necessary to prohibit such discrimination and take all appropriate measures to combat those prejudices which lead to religious intolerance.

[2. Particular efforts shall be made to prevent discrimination based on religion or belief, especially in the fields of civil rights, [access to] citizenship and the enjoyment of political rights, such as the right to participate in elections, to hold public office, or in other ways to take part in the government of the country as well as in the field of labour and employment.]

Article V

[1.] Parents or legal guardians have the right to decide upon the religion or belief in which a child should be brought up. In the case of a child who has been deprived of its parents, their expressed [or presumed] wish shall be duly taken into account, the best interests of the child being the guiding principle. [If the child has reached a sufficient degree of understanding, his wish shall be taken into account.]

[2. The decision concerning the religion or belief in which a child should be brought up must not be injurious to its interest or health, and must not do him physical or moral harm. The child must be guarded against practices which might inculcate in him any discrimination on account of religion or belief.]

Article VI

Every person and every group or community has the right to manifest their religion or belief in public or in private, without being subjected to any discrimination on the grounds of religion or belief; this right includes in particular:

- (a) freedom to worship, to assemble and to establish and maintain places of worship or assembly;
- (b) freedom to teach, to disseminate [at home and abroad], and to learn their religion or belief, and also its sacred languages or traditions;
- (c) freedom to practise their religion or belief by establishing and maintaining charitable and educational institutions and by expressing the implications of religion or belief in public life;
- (d) freedom to observe the rites or customs of their religion or belief.

The inclusion of this article was agreed upon by all members of the working group. The representative of the United States of America felt, however, that the text failed to reflect all of the points covered in the original text of article VI, as transmitted by the Sub-Commission, and that it needed completing with the further provisions proposed by his delegation and appearing in the annex.

(Proposals submitted to the working group which were not discussed for lack of time)

1. *Ukrainian SSR*: proposal for a new article:

1. In order to ensure full freedom of conscience, the Church is [shall be] separated from the State and the School from the Church.

2. All churches, religious creeds and movements are equal before the law. No church, creed or religious organization is or may be the object of any privileges or restrictions in their activities. The domination, whether in name or in fact, of a particular church or creed shall be eliminated.

2. *Union of Soviet Socialist Republics*: (a) proposal for a new preambular paragraph:

Considering that freedom of atheistic beliefs is of the utmost importance to those who profess them, and that freedom of those beliefs, including the right to express them, should therefore be respected and guaranteed,

(b) proposal for a new article:

Freedom of religious and non-religious belief, and the rights and duties of persons of different beliefs, shall not be used for purposes of political or electoral campaigns or the kindling of hatred between peoples and different religious and national groups.

(c) proposal for a new article:

No religious creed or belief of any kind shall in any circumstance be used in order to prejudice the interests of strengthening universal peace and security or friendship and co-operation between peoples and States.

3. *United States of America*: proposal for new articles to follow after Article VI:

I

‘Everyone, alone or in association with others, shall be free to comply with the tenets of his religion or belief, to observe its rituals, dietary and other practices, and to produce the objects, foods and other articles and facilities customarily used in its observances and practices, with freedom to import such articles from abroad if necessary. Where the State controls the means of production and distribution, it shall make these articles and foods available or provide the means for their purchase or production.

II

Everyone shall be free to observe the Holy Days associated with his religion or belief. Everyone shall have the right to make pilgrimages and other journeys in connexion with his religion or belief, whether inside or outside his country, and free access shall be granted to all Holy Places.

III

Every individual and religious group has the right to legal protection for its places of worship, for its rites, ceremonies, and activities, and for the burial places associated with its religion or belief.

IV

Every person and every group, in accordance with his religion or belief, shall have the right to organize and maintain local, regional, national and international associations in connexion with their activities. Everyone shall have the right to communicate with and visit his co-religionists and believers, whether individuals or organizations at home and abroad.' "

APPENDIX D

GROUP LIBEL LEGISLATION

AUSTRIA

Constitutional Law Regarding the Ban of the N.S.D.A.P. (National Socialist German Workers' Party).

Art. 1, Para. 1

8th May, 1945.

The N.S.D.A.P., its defence formations (S.S., S.A., N.S.K.K., N.S.F.K.), its units and affiliated bodies, as well as all National Socialist organisations and institutions generally, are dissolved; their establishment is prohibited.

Para. 3

It is forbidden to be active on behalf of the N.S.D.A.P. or its aims even outside the framework of these organisations.

Para. 3a

Amended by the Constitutional Law of 6th Feb., 1947.

Guilty of a crime punishable by death and forfeiture of all his or her property shall be:

- (i) whoever attempts to maintain or reestablish a legally dissolved National Socialist organisation or to contact such an organisation or a person acting on its behalf; the term National Socialist organisations Para. 1) shall apply to: the N.S.D.A.P., S.S., S.A., N.S.K.K., N.S.F.K., the National Socialist Soldier's Ring, the National Socialist Officers Federation, all other units of the N.S.D.A.P. and its affiliated bodies, as well as every other National Socialist organization;
- (ii) whoever establishes an association with the purpose of undermining, through the activity of its members in a National Socialist spirit, the sovereignty and independence of the Republic of Austria or public peace and Austria's reconstruction, or whoever plays a leading part in such an association;
- (iii) whoever furthers the consolidation of an organisation or association described under 1 and 2 by canvassing for members, by providing funds, or by any similar organisation or association with arms, means of transport or equipment for the transmission of information; or, in any similar manner, facilitates or supports the activities of such an organisation;
- (iv) whoever produces, obtains or holds in readiness arms, means of transport or equipment for the transmission of information for such an organisation.

Paras. 3 b-c

(Provisions regarding punishment).

Para. 3 d

Whoever, publicly or in the presence of a number of people, through printed matter, publications or pictorial representations, invites, instigates or induces others to perform a prohibited act as set out under Para. 1 or Para. 3, and particularly who, for this purpose, glorifies or praises the objectives of

the N.S.D.A.P., its institutions or measures, shall be punished by imprisonment with hard labour for a period of 10 to 20 years and with forfeiture of his or her entire property, provided that the crime is not subject to a more severe punishment.

Paras. 3 e-f

(Provisions regarding murder, robbery and arson committed in the course of National Socialist activities).

Para. 3 g

(i) Whoever carries on activities, other than those described under Paras. 3a to 3f, in a National Socialist spirit, shall be punished by imprisonment with hard labour for a period from 5 to 10 years, or—in case the act or the perpetrator are considered particularly dangerous—up to 20 years, provided that the act is not subject to more severe punishment under other provisions. Forfeiture of property may also be inflicted.

(ii) (Provisions regarding obligation to inform the authorities.)

Law on the Ban of Badges

Art. 1

5th April, 1960

(1) Badges of an organisation banned in Austria must not be worn, displayed, depicted or distributed. The term Badge shall cover emblems, symbols and distinguishing marks.

(2) The ban, according to para. 1, extends also to emblems which by their similarity or by their obvious purpose can be used as a substitute for one of the emblems mentioned under Para 1.

Penal Code 1945

Art. 302

Incitement to Hostile Acts against National Groups, Religious Communities, Corporate and Similar Bodies

Whoever invites, instigates or induces others to hostile acts against the various nationalities (national groups), religious or other communities, particular social classes or estates or against legally recognised bodies, or who—ever generally invites, instigates or induces citizens of the State to form hostile groupings against each other, shall be guilty of an offence punishable by imprisonment of from three to six months, provided the act is not subject to more severe punishment.

ITALY

Regulations for the Implementation of the Twelfth Transitional and Final Provisions of the Constitution.

Law 645 of the 20th June, 1952

Art. 1

Reconstitution of the dissolved Fascist Party.

The dissolved Fascist Party shall be considered as having been reconstituted if any association or movement pursues anti-democratic aims characteristic of the Fascist Party, by advocating, threatening or using violence as a means of political action; advocating the suppression of democratic freedoms guaranteed by the Constitution disparaging democracy, democratic institutions and the ideals of the resistance movement, or engaging in racial

propaganda, or if any such association or movement devotes itself to commending and praising the representatives, principles and acts of the said party or organises public activities of a Fascist character.

Art. 2

Penalties.

Any person convicted of promoting or organising, in any form, the reconstitution of the dissolved Fascist Party, within the meaning of the previous article, shall be liable to penal servitude (reclusione) for from three to ten years.

The leaders of the association or movement shall be liable to the same penalty; any member shall be liable to penal servitude for up to two years.

If the association or movement assumes, wholly or partly, the character of an armed or para-military organisation, or uses violent means of action, the promoters, leaders and organisers or the said association or movement shall be liable on conviction to penal servitude for from five to twelve years and members shall be liable to penal servitude for from one to three years.

Without prejudice to the provisions of paragraph 1 of Article 29 of the Criminal Code, the conviction of promoters, organisers or leaders shall in all cases entail loss of the rights and offices listed in paragraph 2, sub-paragraphs 1 and 2 of article 28 of the Criminal Code, for a period of five years. The conviction of members shall entail loss of the rights specified in paragraph 2, sub-paragraph 1, of Article 28 of the Criminal Code, for the same period of five years.

Art. 3

Dissolution and confiscation of property.

If reconstitution of the dissolved Fascist party is proved and sentence is passed the Minister of the Interior shall, after consulting the Council of Ministers, order the dissolution of the association or movement and the confiscation of its property.

In special cases of necessity or urgency, the Government shall, whenever any of the cases specified in Article 1 occurs in practice, proceed to dissolve the association or movement and confiscate its property by decree-law, in accordance with paragraph 2 of Article 77 of the Constitution.

Art. 4

Condonation of Fascism.

In addition to the cases listed in Article 1, any person who publicly commends or praises the representatives, principles, acts or methods of Fascism, or the anti-democratic aims characteristic of the Fascist party, shall be liable to penal servitude for up to two years and a fine of up to 500,000 lire.

The sentence shall be increased if the offence is commented through the press or any other means of publicity or propaganda.

Conviction shall entail loss of the rights listed in paragraph 2, sub-paragraph 1 of Article 28 of the Criminal Code, for a period of five years.

Art. 5

Fascist activities.

Any person who by his utterances, behaviour, or in any other manner, publicly engages in activities characteristic of the dissolved Fascist party shall be liable to imprisonment for up to three months and a fine of up to fifty thousand lire.

Art. 6

Increased penalties.

The prescribed penalties shall be increased if the convicted person has concealed any of the charges specified in Article 1 of Law 1453 of 23rd Decem-

ber, 1947, or has been convicted of collaboration, even if amnestied for such collaboration.

The prescribed penalties shall also be increased in the case of any person convicted of having financed in any way the association or movement, or any press publication, for the performance of acts specified as punishable offences in the preceding articles.

DENMARK

Constitutional Law.

Art. 78, Section 2

1953

Associations which act by, or try to attain their aims by violence, or instigation of violence, or similar criminal approach against people who think differently, have to be dissolved by sentence of the court.

Art. 79

The citizens have the right—without applying for permission in advance—to gather unarmed. The police have the right to be present at public meetings. Open air gatherings may be prohibited, when it is to be feared that public peace will be endangered by them.

Criminal Code.

Art. 266 b

1939

Anyone who by spreading false rumours or accusations persecutes or incites to hatred against any group of the Danish population because of its belief, descent or citizenship is to be punished with light prison*, or in extenuating circumstances, fined. If the rumours are published in print or in any way by which they have reached wider circles, the punishment is light prison or, in aggravating circumstances, prison up to one year.

FEDERAL GERMAN REPUBLIC

Basic Law for the Federal German Republic

Art. 9, Para. 2

1949

Association whose aims or whose activities are contrary to the Criminal Laws, or which are directed against the constitutional order or against the idea of understanding among peoples are prohibited.

Art. 18

Whoever misuses, for the fight against the free democratic basic order, the freedom of expressing opinions, especially the freedom of the press, the freedom of teaching, the freedom of meeting, the freedom of association, the secrecy of correspondence, post and telecommunication, property, or the right of asylum, forfeits these basic rights. The forfeiture and its extent are decided upon by the Federal Constitutional Court.

Art. 21, Para. 2

Parties which, according to their aims or the behaviour of their followers, are intent to impair or to abolish the free democratic basic order, or to jeopard-

*Comparable with remand in custody.

dise the existence of the Federal Republic are unconstitutional. The decision as to whether a Party is unconstitutional rests with the Federal Constitutional Court.

Penal Code.

Art. 96A

Six Amendment, 30th June, 1960.

(1) Whoever uses publicly, at meetings, in publications distributed by him, in records, pictures, or presentations, insignia of:

1. a party declared unconstitutional by the Supreme Court according to Article 21, para. 2 of the Basic Law.
2. As association non-appealably banned according to Article 9, para. 2 of the Basic Law, or

3. a former National Socialist organisation, shall be punished by imprisonment up to three years—unless such insignia are used within the framework of civic enlightenment, in the defence against unconstitutional endeavours and similar purposes.

(2) Insignia in the meaning of para. 1 are, in particular flags, badges, pieces of uniform, slogans and forms of salutes.

Art. 130

Whoever attacks the human dignity of other, in a manner capable of disturbing public peace, by

1. incitement to hatred against parts of the population,
2. calling for violent or arbitrary measures against them,
3. insulting them, maliciously exposing them to contempt or slandering them,

shall be punished by imprisonment of not less than three months. In addition, a fine may be imposed.

Criminal Code.

Art. 93

(Publications designed to betray the Constitution):

(1) Whoever:

1. Prepares, reproduces, or distributes or
2. stores for distribution or reproduction, subscribes or imports into the territorial purview of this law; writings, sound recordings, illustrations, or representations, the contents of which are designed to create or promote plans which are aimed at impairing the existence of the Federal Republic of Germany or setting aside, invalidating, or undermining one of the constitutional principles described in Article 88 for the purpose of suppressing democratic freedom,

shall be punished by imprisonment.

(2) The attempt is punishable.

Art. 88 Chap. II

Constitutional Principles within the meaning of this Chapter are:

Para. 2

The exercise of legislation subject to constitutional order and the exercise of executive and judicial power subject to law and right.

Para. 6

The exclusion of any kind of despotism and tyranny.

Art. 40, Para. 1

The products of a wilful major or minor crime or things used or to be used for the commission of a wilful major or minor crime may, in so far as they belong to the offender or to a party to the crime, be confiscated.

Para. 2

Confiscation shall be ordered by a judgment.

Art. 86, Para. 1

The products of an act threatened with a punishment under the provisions of this chapter or things used or intended to be used for the commission of such an act may be confiscated or rendered unuseable. Assets which have replaced these things are treated in the like manner.

Para. 2

If at the time of the commission of the act the things did not belong to the offender or to a party to the crime, the owner has to be paid adequate compensation from public funds unless he has committed an offence in connection with the act in another way.

Para. 3

If the offender has received a consideration for the commission of an act threatened with punishment under this chapter, such consideration or an equivalent sum of money has to be confiscated.

Para. 4

If no definite person can be prosecuted or convicted, confiscation or rendering the thing unuseable may be ordered independently.

Art. 185 Para. 1

Insult shall be punished by a fine or detention or imprisonment not exceeding one year, and, if the insult is perpetrated by means of a physical act, by fine or imprisonment not exceeding two years.

NETHERLANDS

Code of Penal Law of 15 April, 1886

Art. 137 c

Amendment of 19th July, 1934

Any one deliberately and publicly expressing himself either in speech or in writing, or by means of a pictorial representation, in a manner offensive to a group of the population or a group of persons belonging partly to the population, is liable to imprisonment for a maximum of one year or to a fine of a maximum of 600 guilders.

Art. 137 d, 1

Any one publishing, distributing, exhibiting or posting a publication or pictorial representation containing a defamatory expression concerning a group of the population or a group of persons belonging partly to the population or having in store such a publication or pictorial representation in order publicly to exhibit, distribute or post it—provided he knows or has serious reasons to assume that such defamatory view is contained in it is liable to

imprisonment for a maximum of six months or to a fine of a maximum of 600 guilders.

Art. 137 d, 2

Any one bringing the contents of such publication to public knowledge will be liable to the same punishment.

Art. 137 d, 3

Any one guilty of any of the offences herein described and committing them in the course of carrying out his occupation, may be deprived of the right to pursue his occupation if less than five years have elapsed since his last final conviction for a similar offence.

NORWAY

Penal Code

Art. 135

22 May, 1902

Who ever endangers the public peace by publicly deriding or inciting to hatred against the Constitution of the State, or against public authority, or by publicly insulting one section of the population against another, or participating in it, will be punished by fines, detention or imprisonment up to one year.

Amendment to Art. 135

9 June, 1961

(Similar) punishment will be administered to a person or persons who publicly insult or provoke hatred or contempt of a race on account of its creed, extraction or origin, or who threaten such a race or spread false accusations about it. Participation in such action will be punished in like manner.

SWEDEN

Penal Code of 1864

Art. 7

As amended by Law of 30th June, 1948

Anyone who publicly threatens, slanders or libels a group of people of a certain origin or of a certain religious belief shall be punished for incitement against a group of the people by fine or imprisonment.

Art. 8

As amended by Law of 26 October 1951

Anyone who publicly insults those things which are held as holy by the Church of Sweden or any other religious community practising in the country shall be punished for an offense against the peace of religion by fine or imprisonment.

Press Law

Art. 4 Chapter 7,

5th April, 1949

Having regard to the objects set out in Chapter I concerning general freedom of the press, the following shall be considered not permissible in printed form and shall be punishable as such:—

Para. 1 to 9

1.....

Para. 10

threat, slander or libel against a group of people of a certain origin or with a certain religious belief.

INDIA

The Indian Penal Code (Amendment)
Act, 1961

(12th September, 1961)

Act 45 of 1860

Short title.

1.

Substitution of new section for section 153A

2. For section 153A of the Indian Penal Code (hereinafter referred to as the Code), the following section shall be substituted, namely,—

“153A. Whoever—

Promoting enmity between different groups on grounds of religion, race, language, etc., and doing acts prejudicial to maintenance of harmony.

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes, or attempts to promote, on grounds of religion, race, language, caste or community or any other ground whatsoever, feelings of enmity or hatred between different religious, racial or language groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial or language groups or castes or communities and which disturbs or is likely to disturb the public tranquillity, shall be punished with imprisonment which may extend to three years, or with fine, or with both.”

SWITZERLAND

Decision of the Federal Council concerning Propaganda Material
endangering the State (29th December, 1948)

Art. 1

The Federal Attorney is instructed to impound, in co-operation with the Federal Customs and Postal Authorities, such propaganda material as is conducive to jeopardising the internal and external security of the Swiss Confederation, in particular Switzerland's independence, neutrality, her relationship to foreign states, her political, especially democratic institutions, or the interests of national defence, as well as literature and articles of a character hostile to religion.

The Federal Council decides on the confiscation.

INDIA

Chapter XV

of Offences Relating to Religion

Injuring or defiling place of worship with intent to insult the religion of any class.

S.295:—“Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby

insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.

Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.

S.295A:—“Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of (citizens of India), by words, either spoken or written, or by visible representations insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.

Disturbing religious assembly.

S.296:—“Whoever, voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both”.

Trespassing on burial places.

S.297:—“Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby,

commits any trespass in any place of worship or any place of sepulture, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance at any persons assembled for the performance of funeral ceremonies,

shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both”.

Uttering words, etc., with deliberate intent to wound religious feelings.

S.298:—“Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

S.505. Whoever makes, publishes or circulates any statement, rumor of report,—

- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community.

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Exception,—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report, has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

Section '99A' of the Criminal Procedure Code of India speaks as follows: Power to declare certain publications forfeited and to issue search-warrants for the same.

S.99A. (1) Where—

- (a) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or
- (b) any document,

whenever printed, appears to the State Government to contain any seditious matter (or any matter which promotes or is intended to promote feelings of enmity or hatred between different classes of (the citizens of India) (or which is deliberately and maliciously intended to outrage the religious feelings of any such class by insulting the religion or the religious beliefs of that class), that is to say, any matter the publication of which is punishable under section 124A (or section 153A) (or section 295A) of the Indian Penal Code, the State Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to Government, and thereupon any police-officer may seize the same wherever found in (India) and any Magistrate may by warrant authorise any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

(2) In sub-section (1) "document" includes also any painting, drawing or photograph, or other visible representation.

Under Article 19(2) of the Indian Constitution reasonable restrictions can be imposed upon 'freedom of speech' which freedom includes freedom to disseminate published material in the shape of Newspapers, books, periodicals and the like. (Romesh Thappar Vs State of Madras 1950 S.C.R. 594). This provision authorises the legislation concerning offences pertaining to religion also.

Article 19(2) is reproduced below:—

Art. 19(1) All citizens shall have the right—

- (a) to freedom of speech and expression;

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or *incitement to an offence*.

Other relevant sections of the Indian Law are:—

Power to detain packages containing certain publications imported into India.

- (i) S.181A. (3) of the Sea Customs Act 1878:—The State Government shall cause the contents of such package to be examined, and if it appears to the State Government that the package contains any such newspaper, book or other document, containing any such seditious matter, may pass such orders as to the disposal of the package and its contents as it may deem proper, and, if it does not so appear, shall release the package and its contents unless the same be *otherwise liable to seizure under any law for the time being in force*:

Provided that any person interested in any package detained under the provisions of this section may, within two months from the date of such deten-

tion, apply to the State Government for release of the same, and the State Government shall consider such application and pass such orders thereon as it may deem to be proper.

Provided further, that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the package or its contents on the ground that the package did not contain any such newspapers, book or other document containing any such seditious matter.

(4) In this section, "document" includes also any painting, drawing or photograph, or other visible representation.

Power for Government to take possession of licensed Telegraphs and to order interception of messages

(ii) S.5 (1) of the Indian Telegraph Act 1885:—On the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government, or any officer specially authorized in this behalf (by the Central or a State Government), may—

- (a) take temporary possession of any telegraph established, maintained or worked by any person licensed under this Act; or
- (b) order that any message or class of messages to or from any persons or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to (the Government making the order) or an official thereof mentioned in the order.

(2) If any doubt arises as to the existence of a public emergency, or whether any act done under sub-section (1) was in the interest of the public safety, (a certificate of the Central or, as the case may be, the State Government) shall be conclusive proof on the point.

Power to intercept postal articles for public good

(iii) S.26 (1) of the Post Offices Act 1898:—On the occurrence of any public emergency, or in the interest of the public safety or tranquility, the Central Government, or a State Government, or any officer specially authorized in this behalf (by the Central or the State Government), may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained, or (shall be disposed of in such manner as the authority issuing the order may direct).

(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (1) was in the interest of the public safety or tranquility, a certificate (of the Central Government or, as the case may be of the State Government) shall be conclusive proof on the point.

As far as racial conflicts are concerned, there are no such problems in India.

APPENDIX "E"

CONVENTION
ON THE
PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE

Lake Success, December 9, 1948

Signed by Canada, November 28, 1949

INSTRUMENT OF RATIFICATION OF CANADA
DEPOSITED ON SEPTEMBER 3, 1952

In force December 2, 1952

THE CONTRACTING PARTIES

HAVING CONSIDERED the declaration made by the General Assembly of the United Nations in its resolution 96 (1) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

RECOGNIZING that at all periods of history genocide has inflicted great losses on humanity; and

BEING CONVINCED that, in order to liberate mankind from such an odious scourge, international co-operation is required,

HEREBY AGREE AS HEREINAFTER PROVIDED:

ARTICLE I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable;

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III.

ARTICLE VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

ARTICLE VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

ARTICLE VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

ARTICLE IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

ARTICLE X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

ARTICLE XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

ARTICLE XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a proces-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification of accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

ARTICLE XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be affected by a written notification addressed to the Secretary-General of the United Nations.

ARTICLE XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

ARTICLE XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article XI;
- (b) Notifications received in accordance with article XII;
- (c) The date upon which the present Convention comes into force in accordance with article XIII;
- (d) Denunciations received in accordance with article XIV;
- (e) The abrogation of the Convention in accordance with article XV;
- (f) Notifications received in accordance with article XVI.

ARTICLE XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

ARTICLE XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

Here follow the names of the signatories for: Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian S.S.R.¹, Canada, Chile², China, Columbia, Cuba, Czechoslovakia³, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Israel, Liberia, Lebanon, Mexico, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippine Republic, Sweden, Ukrainian S.S.R.⁴, U.S.S.R.⁵, United Kingdom, United States of America, Uruguay, Yugoslavia..

¹With the reservations* regarding Articles IX and XII stated in the special Procès-verbal drawn up on signature of the present Convention.

K. KISELEV
16/XII/49

²Subject to the reservation that it also requires the approval of the Congress of my country.

H. ARAMILIO LASO

³With the reservations* to Articles IX and XII as contained in the Procès-verbal of Signature dated today.¹

V. OUTRATA
December 28th, 1949.

⁴With the reservations* regarding Articles IX and XII stated in the Special Procès-verbal drawn up on signature of the present Convention.

A. VOINA
*Deputy Minister of Foreign Affairs of
the Ukrainian Soviet Socialist Republic.*
16/XII/49

⁵With the reservations* regarding Articles IX and XII stated in the special Procès-verbal drawn up on signature of the present Convention.

A. PANYUSHKIN
16.12.49

* These reservations are worded as follows:

"At the time of signing the present Convention the delegation of the Byelorussian Soviet Socialist Republic (Czechoslovakia, Ukrainian S.S.R., U.S.S.R.), deems it essential to state the following:

"As regards Article IX: The Byelorussian S.S.R. (Czechoslovakia, Ukrainian S.S.R., U.S.S.R.), does not consider as binding upon itself the provisions of Article IX which provides that disputes between the Contracting Parties with regard to the interpretation application and implementation of the present Convention shall be referred for examination to the International Court at the request of any party to the dispute, and declares that, as regards the International Court's jurisdiction in respect of disputes concerning the interpretation, application and implementation of the Convention, the Byelorussian S.S.R. (Czechoslovakia, Ukrainian S.S.R., U.S.S.R.) will, as hitherto, maintain the position that in each particular case the agreement of all parties to the dispute is essential for the submission of any particular dispute to the International Court for decision.

"As regards Article XII: The Byelorussian S.S.R. (Czechoslovakia, Ukrainian S.S.R., U.S.S.R.) declare that it is not in agreement with Article XII of the Convention and considers that all the provisions of the Convention should extend to non-selfgoverning territories, including trust territories."

APPENDIX F

REPORT OF THE BOARD OF REVIEW TO THE POSTMASTER GENERAL
ON NATIONAL STATES' RIGHTS PARTY

February 11, 1965

IN THE MATTER OF SECTION 7 OF THE POST OFFICE ACT
NOMINATION OF BOARD OF REVIEW

AN Interim Prohibitory Order having been made by me the 29th day of September, 1964, prohibiting the delivery in Canada (including the forwarding in or from Canada) of all mail directed to the National States' Rights Party and the delivery in Canada of all mail deposited by the National States' Rights Party in a Post Office anywhere;

AND the said National States' Rights Party having requested that the said Interim Prohibitory Order be inquired into;

NOW, THEREFORE, pursuant to section 7 of the Post Office Act, I do hereby refer this matter, together with the material and evidence considered by me in making the said Interim Prohibitory Order, to a Board of Review consisting of the following three persons hereby nominated by me:

The Honourable Mr. Justice Dalton C. Wells, of Toronto, a Judge of the Court of Appeal of the Province of Ontario;

Mr. Rodrigue Bedard, Q.C., of Ottawa, a Member of the Bar of the Province of Quebec; and

Mr. G. Douglas McIntyre, Q.C., of Ottawa, a Member of the Bar of the Province of Quebec.

DATED AT OTTAWA this 28th day of October, 1964.

John R. Nicholson,
Postmaster General.

The Honourable John R. Nicholson. P.C., Q.C., M.P.,
Postmaster General,
OTTAWA 8, Ontario.

Sir:

On the 29th September, 1964, pursuant to subsection 1 of section 7 of the Post Office Act you made an interim prohibitory order against the National States' Rights Party prohibiting the delivery in Canada (including the forwarding in or from Canada) of all mail directed to it and the delivery in Canada of all mail deposited by it in a Post Office anywhere. Pursuant to subsection 2 of section 7 of the Post Office Act you caused a notice to be sent to the National States' Rights Party, P.O. Box 783, Birmingham, Alabama and in that notice you advised the National States' Rights Party that you had reasonable grounds to believe that the Party, by use of the Canadian mails had committed the offence of using the mails for the purpose of transmitting or delivering various scurrilous writings directed against persons of particular racial groups in Canada contrary to Section 153 of the Criminal Code.

Further, pursuant to subsection 2 of section 7 of the Post Office Act the National States' Rights Party was advised that it might within 10 days of the date on which your notice was despatched to it, that is to say the 1st October, 1964, request that the order be inquired into.

Section 153 of the Criminal Code to which your order alluded reads as follows:—

Every one commits an offence who makes use of the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral or scurrilous, but this section does not apply to a person who makes use of the mails for the purpose of transmitting or delivering anything mentioned in subsection (4) of section 151.

It would appear that the publication which the order was aimed at was a journal or monthly newspaper published under the name of "The Thunderbolt". From the material which you made available to us, it would appear that the Interim Order was based on the May-June 1964 issue of this journal.

It also appears that the National States' Rights Party distributed considerable other literature expressing the same views as those set forth in this publication.

Under date of October 6th, 1964 one Dr. Edward R. Fields, who describes himself as the Information Director of the National States' Rights Party and the Editor of "The Thunderbolt" sent you the following letter:—

Dear Mr. Nicholson:

We have received your notice of October 1, '64.

We hereby request that your Interim Prohibitory Order banning our use of the Canadian mails to distribute National States' Rights Party literature (& our newspaper "The Thunderbolt") be inquired into by the Board of Review, subsequent to the proceedings set out in Section 7 of the Canadian Post Office Act.

We also request that we be allowed to have representatives present before said board to present our side of the question.

We feel that such an order banning our newspaper from the Canadian mails would strike a deadly blow to "FREEDOM OF THE PRESS" in Canada. This would set a precedent for a future dictatorship in Canada over the press. Anyone who did not conform with the views of the powers that be, could be outlawed.

Please give us more than 10 days notice when the hearings are set. It will take us time to travel to Ottawa. Also, we may need time to obtain Canadian Lawyers to appeal any adverse Board of Review decision to the Canadian Supreme Court.

We hope that you will give us every consideration in defending ourselves in this case. Also we ask that said hearing be open to the public so all will understand that future "FREEDOM OF THE PRESS", is at stake in Canada."

Pursuant to this request, by an order made on the 28th of October, 1964 you appointed the undersigned as a Board of Review, pursuant to the provisions of subsection 2 of section 7 of the Post Office Act. The Board of Review sat in the Conference Room of the Department of Justice, being Room 303 on the 3rd floor of the Justice Building on Wellington Street on the 23rd November, 1964 at 10:00 o'clock in the morning to begin its inquiry into the facts and circumstances surrounding your interim prohibitory order. A transcript was made of the hearing and the hearing was at all times open to the public. It commenced on the 23rd November and lasted until late in the afternoon on Thursday the 26th day of the same month.

On Friday the 27th November your committee had a meeting to consider this report and have had subsequent meetings. Unfortunately the transcript of the proceedings was not available to us until late in the month of January 1965 which made it impossible for us to complete our report earlier.

We beg to report to you as follows:—

At the opening of the hearing Mr. John Ross Taylor of Gooderham, Ontario and Mr. David Stanley of Toronto, both of whom had previously written to the committee and indicated that they were agents in Ontario of the National States' Rights Party and that they wished to appear and make representations to the Board appeared before us. Mr. D. Gordon Blair appeared as Counsel for the committee and Mr. Sidney M. Harris, Q.C. for the Canadian Jewish Congress, who stated that while he might wish to make some observations in argument his instructions were that he was to have a watching brief.

At the opening of the sitting an application was made for adjournment because it was the desire of the National States' Rights Party to be also represented by Mr. J. B. Stoner of the City of Atlanta, Georgia, an Attorney and Counsellor at Law who was apparently engaged in other proceedings elsewhere. In the discretion of your committee it was deemed undesirable to adjourn the proceedings as ample time had already been given, and Messrs. Taylor and Stanley were so advised.

The enquiry then proceeded. The first witness, Professor George Benson Johnston of the Department of English at Carleton University, was called at the instance of your committee to give expert evidence on the meaning of the word "scurrilous."

Mr. Taylor explained that his presentation was to consist of argument as to law and also statements of fact which in his opinion were pertinent to the matters we were considering. It was the opinion of your committee that he should be sworn as a witness and he was accordingly sworn. The same considerations applied to Mr. Stanley and to the only other witness appearing for the National States' Rights Party, Mr. E. H. Fairfield, C.D., the publisher of "The South End News" an Ottawa weekly newspaper.

Before commenting on the evidence it might be helpful to outline the consideration we gave and the view we took of our duties. Under the authority given us by the Inquiries Act we demanded the production of a number of copies of "The Thunderbolt" and other publications distributed by the National States' Rights Party. These included issues of the Thunderbolt dated February, May, August and November 1963; and January, February, March, April, May-June, July-August and September 1964. This seemed to the committee to be a reasonable cross-section of the publication and there is attached, as Appendix 1, a brief summary of these copies; as to the other publications, a list and summary of these are provided in Appendix 2.

According to Mr. Taylor's representations "The Thunderbolt" is the journalistic organ of a political party which believes in the superiority of the white race and has generally accepted the theories as to racism of the late Count Gobineau. As we understand Mr. Taylor's assertions and arguments the party has the belief that the leaders of the Jewish people whom he associates with the teachings of the Talmud or rabbinical traditions of that race, are engaged in a conspiracy to take over the government of the world. He made the assertion that the Russian Revolution of 1917 was financed by Jewish financiers and the Jewish people in effect were the controlling group in the early stages of the Soviet Government. He also asserted that the Jews had received special consideration and privileges in the Union of Socialist Soviet Republics and were still a driving and directive force behind the scenes in the Russian government. He accepts implicitly the so called Protocols of the Elders of Zion which purport to set out a Jewish scheme for world domination. In his view the imposition of the order under review is the thin edge of a wedge which is now being driven into Canadian life and which if logically pursued will lead to the suppression of free speech, freedom of the press, all individual liberty as we understand it and eventually the Christian religion. He considers that one of the

purposes of "The Thunderbolt" was to draw attention to this sinister conspiracy. To achieve its purpose and to draw attention to the real situation it was sometimes driven to use what he called, striking and flamboyant language.

The purpose of putting this argument, which he stated was really the basis of the attitude of "The Thunderbolt", which bears the interesting heading "The Thunderbolt—The White Man's Viewpoint", was the necessity of awakening the community to the danger it was in and in this community he included the United States and Canada. Consequently he argued that the publications of the National States' Rights Party should not be prohibited use of the mails in Canada as they were performing a valuable public function.

Coming now to the publication itself; the issue of May-June 1964 on which your interim prohibitory order was founded appears to be devoted mainly to the Civil Rights Bill which the National States' Rights Party vehemently opposed. The issue also pursues the Jewish people. There is a headline that a "New York Jewish Policeman sadistically beats Christian lady picket". The article starts by asserting that New York City is almost completely under the control of communists and the hot-bed of persecution of anti-Communists through police brutality and corrupt Judges. The lady in question was picketing a performance of the play "The Deputy" and according to the article was carrying a placard which said "75 Million Christians Murdered Under Jewish Communism". On page 11 there is a large heading "Jews in the News" and at the bottom of the page in a block is the statement "The Jews are Our Misfortune". Chapter 21 of the late Mr. Henry Ford's book on the International Jew was published and the Jew of the Month this time was a disbarred Canadian lawyer named Samuel Resnick. Mr. Resnick was convicted of doing away with some \$125,000 of a fund of which he was a trustee and was eventually sentenced to 8 years imprisonment. The final words of this article are worth quoting and are as follows:—"Resnick was weeping as they took him away to prison—another poor persecuted Jew. Anyone want a Jewish lawyer? There are plenty of Resnicks to be found in the Yellow pages of your phone book." It also comments on two private members' Bills presently under consideration by the Canadian Parliament. Their purpose appears to be to prohibit the circulation of "hate literature" through the mails and to make attacks on racial and religious groups a criminal offence. It is alleged that these Bills are the product of a Jewish conspiracy to suppress free speech and it is claimed that they "would forbid patriots from telling the whole truth about the vampire race".

Apart from this issue, we propose to comment on those other issues which were filed with us. The first is that of February 1963. It states above the title line of the paper "*Special—Communism is Jewish Issue*," and the headline states that "Communist Party Meets in Jew Centres". It suggests that in the United States the Communist Party uses Jewish Regional centres for its secret dens of Anti-American plotting. Inside there are articles suggesting that Jews completely dominate the United States Communist Party and there are quotations from various writings which tend to support this thesis. The middle pages are topped by the statement "Every Communist Spy Ring in America Has Been Run by Jews." On page 9 there is a picture of a number of corpses lying in the street with the statement that "when the Communists came to power they systematically undertook to destroy every vestige of opposition by exterminating the upper classes of Russian society. The fury of the Red Terror can be explained only as a manifestation of Jewish hatred against Christian civilization". On the last page there is a headline indicating that the Un-American Activities Committees all across the United States have found communism to be Jewish. It is followed by the words "Thus the drive to abolish Committees". The only book advertised for sale on the last page of this issue was a book on Jewish ritual murder.

The issue for August 1963 talks about the Mongrel invasion of the United States and this is related apparently to the statement that "non-whites are flooding America". On page 3 there is a comparison between the negro and the ape with the design of shewing their similarity. There is also an article that suggests in its heading that integration is destroying the U.S. army. One heading is followed by an article suggesting negroes have diseased blood. It also published an article by Mr. J. B. Stoner, and there is a suggestion in his article that the negro is nearer the anthropoid ape than the white man. He purports to rely on the Encyclopedia Britannica for this statement. The Jewish race was somewhat neglected in this issue but Mr. Stoner blamed them for suppressing the truth about race. There is also an article stating that the members of a Mexican family were kept as slaves on a large chicken farm somewhere in Connecticut by a Rabbi. The article concludes that what makes this significant is that "Jewish religious leaders, more than any other so-called church group in America have stood in the forefront in demanding 'equal rights' for minority races. But when it comes down to making a 'fast buck' from some pitiful and ignorant people this Jewish Rabbi was quick to enslave them."

The issue of November 1963 is devoted to what purports to be a revelation as to the private life of the late President Kennedy. There are articles against integration with the negro race and another chapter from a book which it is alleged was written by the late Mr. Henry Ford called "The International Jew". A number of books are advertised for sale in this issue starting with the so called "The Protocols of the Learned Elders of Zion", two books dealing with what is called the Jew-Communist menace facing America and a number of books on race and segregation.

The issue of January 1964 which appeared after President Kennedy's assassination, has the headline "Jews Involved in Assassination". The issue seems to be about evenly divided between abuse of negroes and of Jews.

The March issue is centred on an attack on civil rights legislation which was passed by the American Congress. The Jew of the Month for March 1964 was a man named Milton Cohn, who was apparently charged with keeping a house of ill fame. We are not told (although the complainant's evidence was given in some detail) whether the charge was successfully proved or not. An ad for financial assistance for Jack Ruby was reproduced under the heading "Jews Run This ad For Ruby". The statement of the Roman Catholic Archbishop of Bloemfontein in South Africa, which was apparently offered in support of discriminatory laws against coloured people, is given great prominence.

In the April issue of "The Thunderbolt" the Jew of the Month was a doctor who was apparently court martialled on a charge of rape of a retired air force officer's wife. One page is divided, purporting to show that the Jews still control Russia and that Matzos are plentiful in the City of Moscow. The next page is devoted to articles urging war crimes trials of Jews for Jewish atrocities against Arab women and children in Palestine. On the back page there is a picture and statement that Brooklyn suffers because of Jewish insanity.

The issue of July-August 1964 appeared as the American election was approaching and was devoted to domestic issues. However, there was a heading "Jews Seek Immigration Bill Changes". The bill was apparently so drafted as to remove some of the more onerous sections of the immigration provisions of the existing law in the United States and the National States' Rights Party was obviously opposed to it. Dr. Field, the editor of the journal referred to the so called Civil Rights Bill in the United States as a satanic piece of legislation and apparently in a public speech stated that negroes haven't gone beyond the ape stage. As reported, he went on to say "they haven't earned the right to associate with white people". There was the usual page of "Jews in the News"

including an account of the arrest of 15 Rabbis at a swimming pool in Florida where they were part of a demonstration leading towards the use of the pool by black as well as white citizens of the United States. There was a reproduction of what purported to be Chapter 22 of Mr. Henry Ford's book on Jews and under the heading "7 Jews of the Month" various disreputable news items against persons bearing what looked like Jewish names were collected together and published. There was also a report of the treason trials in South Africa under the heading "4 Jews Get Life in South African Treason Trials". An article on the subject concluded in these words:—"This is an example of the world wide pattern of Jewish subversion. IN EVERY NATION IT IS THE JEWS WHO ARE BEHIND BOTH COMMUNISM AND RACE MIXING". There was an announcement on the next page that a Harlem group was linked to the Chinese communists and on the last page there was an advertisement for books published by the National States' Rights Party of eight books either published or distributed by them. We think it may be of value to consider what this party was distributing in addition to their monthly journal and accordingly we include a copy of this advertisement:

- (1) "THE PROTOCOLS OF THE LEARNED ELDERS OF ZION" Nilus Plot of the Jews to set up a Communist World Government. Greatest book on the Jew Conspiracy ever written. Only \$1.00.
- (2) "KNOW YOUR ENEMY" by former U.S. Counter Intelligence Officer, Major R. H. Williams. Complete story of the Jew-Communist menace facing America. 41 pictures of Jew masterminds behind the conspiracy. BEST BOOK EVER PRINTED TO CONVERT NEW PEOPLE TO OUR MOVEMENT. ONLY 50c.
- (3) "JEWISH ANTI-DEFAMATION LEAGUE AND ITS USE IN THE WORLD COMMUNIST OFFENSIVE". Also by Major Williams. Sensational expose of the B'nai B'rith arm used to spy on, and smear Patriots. ALSO ONLY 50c.
- (4) "RACE AND SOCIAL REVOLUTION" by Byram Campbell. Best work on Race we have ever read. The racial bible of the Right Wing. 273 pages, beautifully bound in hard cover. ONLY \$3.
- (5) "SEGREGATION V. INTEGRATION". Complete story of the south's fight against race mixing. Proves school mixing is un-Constitutional and un-Christian. \$1.
- (6) "OUR NORDIC RACE". History of the White Race and why we struggle to keep it pure. ONLY 25c.
- (7) "THE WORLD HOAX" by Earnest F. Elmhurst. This book details the Jew-Communist take over of Czarist Russia 1917. Gives, in amazing detail for the first time, exactly how the Jewish Revolution worked, inside facts on how Communism came to power over the Christian people of Russia. Almost 200 pages. ONLY \$2.
- (8) "FEDERAL RESERVE CONSPIRACY" by Eustace Mullins. Amazing story on how International Jewish Bankers took over the U.S. Federal Reserve Banks and now control our money system for THEIR benefit. ONLY \$1.

The final issue of "The Thunderbolt" which was provided for us was for the month of September 1964. The first part of this issue has to do with negroes. An article on the front page declares—"It's time to back our country and throw out the Black man, not only out of the Government but OUT OF THE COUNTRY." A large part of the first part of this issue is devoted to an article on the President of the United States in order to attempt to link him with negroes. Page four has an article showing that Mr. Khrushchev's wife is a Jewess and there is an article headed "Charlie Chaplin Helps Communists".

This article concludes—"In Russia it is against the law to be against the Jews—the penalty is death Remember that the largest daily communist newspaper in America is not "The Worker" but the Morning Freiheit which is published in the Jewish language known as Yiddish. These are a few of the reasons why rich Jews throughout the world, such as Charlie Chaplin, are for communism and support the Jewish rulers of Russia. This is another reason why the National States' Rights Party advocates that all Jews and communists be deported to the island of Madagascar." The next page is headed with the somewhat astonishing statement "Jesus Christ Not a Jew". The usual page headed "Jews in the News" appears but is not as abusive as usual. On page ten is reproduced an article said to come from a publication called "The National Insider". The headline which seems to please the editor most was one that if the extremists won all Negroes and Jews would be deported. Chapter 23 of the late Mr. Ford's views on the International Jew is published and on page fourteen there is a large headline "Will Millions of Asiatics Enter U.S." There were photographs of naked children going through the garbage dumps somewhere in India and people sleeping on the streets in Hong Kong. The heading of one article is "Jews Introduce Bill to Bring in Millions of non-Whites". The next page is headed "Jews Freeze Out Gentile Musicians" and there is an article on an allegation that Jews control all three T.V. networks. The conclusion of this article best expresses this point of view and appears on page fifteen and is as follows:—

"All this can be summed up in one sentence: it is suicide for this nation, or any nation, to allow its vital airwaves to remain under the domination of the alien Jew..."

Among the books advertised for sale are many we have already mentioned and under the heading "Spoof the Enemy" there is advertised "The Diary of Ann Fink—10 page comic book satirizing the lie of the six million". This evidently relates to the assertion that six million members of the Jewish race were exterminated by the Hitler regime.

The other publication is a reproduction of what is described as "A Famous Number of Der Stürmer". It is produced in German Gothic script and shows various pictures of what are called "Jewish Ritual Murders" some of which obviously date from the Middle Ages. There is an announcement on the back page, containing a photograph of the late Mr. Streicher which concludes with these words "We salute Julius Streicher, Patron Saint of World anti-Jewism". In a box further down the page, in English, it is announced that the publication is the famous Jewish Ritual Murder edition, reproduced and distributed by the National States' Rights Party and then appear the following words:—"In memory of Julius Streicher who was murdered to appease the Jews. His only crime was to publish this newspaper, to enlighten Christian people of the fiendish crimes of the Jews."

This review of publications of "The Thunderbolt" indicates to your committee that insofar as the Jewish and Negro peoples are concerned its attitude towards and comments about either group generally contain innuendoes which suggest treason and mental retardation in the case of the negroes and sinister and fiendish conspiracies on the part of the Jewish people against their fellow citizens.

We have perused the numerous publications which are summarized in Appendix 2, most of which are distributed by the National States' Rights Party. We find that the general tendency of most of these publications is similar to the views expressed in "The Thunderbolt". While some of them deal with theories of food and diet and control of the monetary system, the majority are replete with vilification of Jewish and Negro people.

We thought that it might be of interest to record the size of the Negro and Jewish communities in Canada. The chief of the Census of Population Section at the Dominion Bureau of Statistics reports that the census taken in 1961, which was the last census in Canada, shows that the Jews, classified as an ethnic group, number 173,344, which is roughly 1 per cent of the population; but classified by religion however the number is increased to 254,368. The negro community in Canada is much smaller and is reported as 32,127.

We now have to consider whether the publication and circulation of this material constitute an offence against the laws of Canada. We do not need to remind you that under the Post Office Act you have power to make a prohibitory order under subsection 1 of section 7 where you, on reasonable grounds, believe that any person is, by means of the mails, committing an offence.

If it were not for the decision of the majority of the Supreme Court of Canada in the case of *Rex v. Boucher* (1951) S.C.R. 265 we would suggest that at Common Law in any event this type of comment and publication could be considered a seditious libel. In volume 2 of Sir James Stephen's "Criminal Law of England", which was published in 1883 he quotes articles from his Digest of The Criminal Law, article 93 of which was a definition of seditious intention, as follows:

"SEDITIONOUS INTENT DEFINED. A seditious intention is an intention to bring into hatred or contempt, or to excite disaffection against the person of Her Majesty, her heirs and successors, or the Government and Constitution of the United Kingdom, as by law established, or either House of Parliament, or the administration of justice, or to excite Her Majesty's subjects to attempt otherwise than by lawful means the alteration of any matter in Church or State by law established, or to raise discontent or disaffection amongst Her Majesty's subjects, or to *promote feelings of ill-will and hostility between different classes of Her Majesty's subjects.*

An intention to show that Her Majesty has been misled or mistaken in her measures, or to point out errors or defects in the Government or Constitution as by law established, with a view to their reformation, or to excite Her Majesty's subjects to attempt by lawful means the alteration of any matter in Church or State by law established, or to point out, in order to their removal, matters which are producing or have a tendency to produce feelings of hatred and ill-will between different classes of Her Majesty's subjects is not a seditious intention."

Commenting on it on page 298 he had this to say:—

"The word "seditio" seems to have been more appropriately used in Latin to signify an actual riot than an act displaying a seditious intention.

The articles from my Digest reprinted in the note state the present law on this subject as I understand it, and I may observe that these articles were adopted by the Criminal Code Commission almost verbatim in their Draft Code, in which they form section 102. In the report the Commissioners say that this section appears to them "to state accurately the existing law".

The decision in the *Boucher* case is perhaps best summed up by quoting from the first two paragraphs of the head note:

Neither language calculated to promote feeling of ill-will and hostility between different classes of His Majesty's subjects nor criticizing the courts is seditious unless there is the intention to incite to violence or resistance to or defiance of constituted authority.

The definition of seditious intention given in Stephen's Digest of the Criminal Law, 8th Ed. p. 94, to the extent that it differs from the foregoing, disapproved.

The case was argued twice before the Supreme Court of Canada and the second argument was heard by the entire Court of nine Judges. Of these nine the Chief Justice, and Taschereau, Cartwright and Fauteux JJ. dissented.

On the basis of this judgment which is unquestionably part of the law of Canada, we are barred from dealing with these publications on the ground that they constitute Seditious Libel. We are not aware of any provisions of the Criminal Code which would apply to this material other than section 153 which was cited in your Interim Prohibitory Order. We do not deem section 166 of the Criminal Code which deals with spreading false news to be applicable to this situation. Your order was issued on the basis that this material was scurrilous within the meaning of section 153 of the Criminal Code which we repeat again for convenience.

Every one commits an offence who makes use of the mails for the purpose of transmitting or delivering anything that is obscene, indecent, immoral or scurrilous, but this section does not apply to a person who makes use of the mails for the purpose of transmitting or delivering anything mentioned in subsection (4) of section 151.

The exceptions mentioned in subsection (4) of section 151 exempt reports of judicial proceedings to persons concerned and *bona fide* legal and medical publications.

It seems to us that, on an objective view, the material which we have examined may reasonably be described generally as grossly offensive and abusive of both the Jewish and Negro people in our population. We now have to determine whether it is scurrilous within the meaning of the section.

The problem can perhaps be best approached by considering what the ordinary meaning of the word scurrilous is and then by relating it to its context in section 153 of the Criminal Code of Canada.

We now propose to discuss the present-day meaning of the word scurrilous and then to review the legislative history of its use originally in the Post Office Act and later in the Criminal Code. As we have mentioned, we had the advantage of hearing from Professor Johnston of Carleton University whose special field of study is historical philology. Commenting on the word scurrilous he said, at pages 44 to 46 of the Evidence:

Professor JOHNSTON: I have some personal knowledge of the word but I rely on my reading of several dictionaries and of the interpretation I can make of this in relation to my own reading. To begin with, it is a Latin word, *scurrus* meaning a buffon. It is common in English in the 15th century. It is more an English word at the moment than it is American; there are not many American interpretations of it. Buffoonery or coarse jesting was the earlier meaning of it and most definitions contain this element. However, there are several definitions now, and the element which is common to all of these in the twentieth century—and this coincides with my own experience of the word wherever I have seen it written—is “abusive or insulting”. All definitions seem to contain this, both directly and by implication.

To turn to specific dictionaries, Webster's Second Dictionary says “containing low indecency or abuse” and, what is even more important, it gives as a synonym “abuses, insulting”.

In Webster's Third Dictionary, the very recent and comprehensive one, scurrility is defined as “scurrilous or abusive language usually marked by coarse or indecent wording or innuendo or unjust denigration.”

Mr. JUSTICE WELLS: Would you mind saying that again more slowly?

Professor JOHNSTON: "scurrilous or abusive language usually marked by coarse or indecent wording or innuendo; unjust denigration".

Under "scurrilous" itself the definition is "containing low obscenities or coarse abuse". That, of course, is an American dictionary. The short Oxford Dictionary which for all intents and purposes represents both the full Oxford Dictionary and the Concise version describes "scurrilous" as using such language as only the licence of a buffoon could warrant; characterized by coarseness of language especially in jesting and invective.

This, I think, is the older and more old fashioned interpretation of the word and I would think the first part of that definition would hardly apply in Canada—"the licence of a buffoon"—"buffoon" is not one of our words, anyway.

C. J. Smith, in a book called *Synonyms Discriminated* gives the synonym of scurrilous as "abusive". "Abusive", as I say, seems to be the word which is common to them all."

Then he continued and at the bottom of page 47 he says:

"... the general intention of the word is "abusive or injurious language". A scurrilous review of a book, for instance, is one which is intended to injure—one in which the language is intended to injure."

As a further illustration, his remarks at page 56, 57 and 58 of the evidence are illuminating:

Professor JOHNSTON: In the *Dictionary of Contemporary American Usage* by Bergen Evans there is, actually, a quotation:

Emerson felt himself abused when Swinburn referred to him as 'a gap toothed and hoary ape . . . coryphoeus of a Bulgarian tribe of autocoprophagous baboons'. But Swinburne insisted he was merely making a scientifically accurate description. Therefore, what to the speaker may seem polished invective may strike the one spoken of as scurrility.

Mr. JUSTICE WELLS: I understand the poet Moore once silenced a woman to whom he owed money by calling her an Isosceles triangle. I suppose in one sense it may have been scurrilous in its use.

* * *

Mr. BLAIR: So that in your interpretation of the use of the word the matter must be abusive and insulting, not necessarily couched in low, coarse or vulgar words.

Professor JOHNSTON: That seems to be the meaning it has, now. It does not seem to be restricted to that although that, certainly, has been an important part of the meaning of the word. It seems to have a wider connotation now, because abusive is given simply as a synonym of it over and over again,—slander, intention to injure.

Mr. BLAIR: Would anything turn on whether that type of expression were used against a group of individuals or a group of people?

Professor JOHNSTON: There is nothing in the word which restricts it to an individual although I suppose it is most frequently used in that way.

We also have examined a number of dictionaries ourselves.

As will appear when we discuss the legislative history of section 153, the word scurrilous first appeared in the Post Office Act of 1875, being 38 Victoria,

chapter 7, section 72, subsection 27. It therefore seems pertinent to consult the great dictionary known as Webster's published in the United States in 1872, the leading authority on the language as used on this continent. In our opinion this assists in determining what was in the mind of Parliament when the word was first used. Under the word *scurrility*, which it defines as the quality of being *scurrilous* it gives as a synonym, among others, the word "abuse". *Scurrilous* is secondly defined as "containing low indecency or abuse, mean, foul, vile, obscenely jocular. Synonyms are given as *approbrious*, *abusive*, *reproachful*, *insulting*, *insolent*, *offensive*, *gross*, *vile*, *vulgar*, *low*, *foul*, *full mouthed*, *indecent*, *scurrile*, *mean*.

The last edition of this work has come out within the last year or so. This edition known as the Merriam Webster Edition similarly defines *scurrilous* as

- (1) using or given to using the language of low buffoonery; broadly; vulgar and evil in habit or demeanor (*scurrilous* importers who used a religious exterior to rob poor people—Edward Benson);
- (2) containing low obscenities or coarse abuse (a *scurrilous* collection of highly obscene verses—R.A. Hall b.1911), (a pamphleteering campaign filled with *scurrilous* charges and counter charges—A.D. Graeff).

The noun *scurrility* is described as:

- (1) a quality or state of being *scurrilous*,
- (2) (a) *scurrilous* or abusive language usually marged by coarse or indecent wording or inuendo, or jest, denigration or clownish jesting (this was the day of journalistic *scurrility*); (b) an instance of *scurrility*, a rude or abusive remark—synonym see *abuse*.

The word "abuse" in the same edition of Webster's is given several meanings, the pertinent one being:

language that condemns or vilifies uselessly, unjustly, intemperately and angrily, examples: (*Bolshevist* has become...a vague term of abuse—Rose Macauley); the political harridans would...attack every possible leader with scandal and abuse—H. G. Wells).

It gives a long list of synonyms which include *invective*, *obloquy*, *vituperation*, *scurrility*, *Billingsgate abuse*: *abuse* the most general word in this list of terms may frequently indicate a speaker's angry intent to wound, it usually suggests lack of anything that is fair or temperate. After quoting a number of examples of other words used it says this under the heading "*scurrility*",—"the most uncomplimentary of these words, implies meanness or viciousness, in attack and coarseness or foulness in language".

Murray's Oxford Dictionary, under the heading of "*scurrility*" quotes Symmer in Ellis Original Letters—Series 2 IV—414 under the date of 1759—"the hawkers . . . every day has some new abuse of *scurrility* against him to bawl about the streets". An example was given under the date of 1874 from Green's Short History of the English People, Volume 1, where discussing the struggles attendant to the reformation in England he said "the sacrament of the Mass . . . was attacked with a *scurrility* and profaneness which passes belief".

Finally the most recent authority on synonyms of the meaning of English words is undoubtedly Roget's Thesaurus which was published in 1962 under the editorship of Mr. R. A. Dutch, who is described as "Sometime Senior Scholar of Christ's College Cambridge". At page 596, under the general heading of "*Malediction*" synonyms for the noun *scurrility* include the following:

ribaldry, *vulgarity*, *profanity*, *swearing*, *profane*, *scurrility*, *cursing* and *swearing*, *blasting*, *evil speaking*, *maledicence*, *shocking language*, *strong*

language, unparliamentary language, Limehouse, Billingsgate, naughty word, expletive, swear word, oath, swear, damn, curse, cuss, tinkers cuss, invective, vituperation, abuse, volley of abuse, mutual abuse, slanging match, stormy exchange, vain abuse, empty curse, more bark than bite.

Among these synonyms for the word scurrilous words such as vituperation, abuse, shocking language to mention only a few seem to be words which are apt to describe the various quotations of portions of "The Thunderbolt" which have been set out earlier in this report.

Some light on the meaning of Section 153 may in our opinion be obtained from the French version of the Criminal Code where the word scurrilous is replaced by the words . . . "injurieux, et grossier". The Harrap's Standard French and English Dictionary which is a leading authority translates the word scurrilous (of language) as *grossier, injurieux, ordurier*. The Clifton and Grimaux, McLaughlin English-French Dictionary translates the word scurrilous, among other meanings, as *choquant, blessant, offensant; grossier, indécent, obscène*. In our opinion, these words aptly describe the material we have found in The Thunderbolt and many publications distributed by the National States' Rights Party.

Originally section 153 of the Criminal Code was included in the Post Office Act itself rather than in the Code. It is instructive to compare it with comparable legislation in the United Kingdom from which it was apparently derived. In the United Kingdom, Post Office Acts go back a long way, beginning apparently in the last years of the reign of George III. The first really comprehensive act seems to have been that found in the Statute for 1840—3 and 4 Victoria—Chapter 96, Section 62. By that Statute the Postmaster General and his successors were made a body corporate and by Section 61 a procedure in the prosecution of criminal matters was provided. In 1870 an amending statute was passed, which is Chapter 79—33 and 34 Victoria. Section 20 of that statute is as follows:

The Postmaster General may from time to time with the approval of the Treasury make such regulations as he thinks fit for the sending or delivery by post of indecent or obscene prints, paintings, photographs, lithographs, engravings, books, or cards, or of other indecent, or obscene articles, or of letters, newspapers, supplements, publications, packets, or post cards, having thereon, or on the covers thereof, any words, marks, or designs of an indecent, obscene, libellous, or *grossly offensive character*.

The section was re-enacted in 1884, by 47-48 Victoria, chapter 76 and is substantially repeated in the present United Kingdom Act being (1953) 1-2 Elizabeth II, Chapter 36. Section 4 of the Act of 1884, subsection 1(b) and (c) contained the following provisions:

- 4.(1) A person shall not send or attempt to send a postal packet which either—
- (b) Encloses any indecent or obscene print, painting, photograph, lithograph, engraving, book, or card, or any indecent or obscene article, whether similar to the above or not; or
- (c) Has on such packet, or on the cover thereof, any words, marks, or designs of an indecent, obscene, or *grossly offensive character*.

It is to be observed that the word "scurrilous" does not appear to have been used at all in the Imperial legislation. If any words take its place they are the apt words "grossly offensive".

The first Post Office Act of the Dominion of Canada was passed in 1867, being Chapter 10 of the Statutes of Canada, 31 Victoria. By it any laws in

respect of the postal services which existed in force at the time of confederation in the Provinces of Canada, Nova Scotia and New Brunswick were repealed with the necessary protection for acts taken under them while they were in force. However, in this statute there does not appear to be any provision as to the mailing of prohibited material such as in found in the Imperial Statutes to which we have referred.

The first Canadian prohibition of this kind is found in the amendment to the Post Office Act, to which we have referred, passed in 1875, 38 Victoria—Chapter 7. Section 72, subsection 27, under the heading “Offences and Penalties” reads as follows:

To post for transmission or delivery by or through the post any obscene or immoral book, pamphlet, picture, print, engraving, lithograph, photograph, or other publication, matter or thing of an indecent, immoral, seditious, disloyal, *scurrilous* or libellous character, or any letter upon the outside or envelope of which, or any postcard or postband or wrapper upon which there are words, devices, matters or things of the character aforesaid, shall be a misdemeanor;

No change was made in the law until the Criminal Code was first adopted in the year 1892, being 55-56 Victoria, Chapter 29. This offence was removed from the Post Office Act and restated as section 180 of the new Code; it is as follows:

180. Every one is guilty of an indictable offence and liable to two years' imprisonment who posts for transmission or delivery by or through the post—

- (a) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or other publication, matter or thing of an indecent or immoral character; or
- (b) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or
- (c) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses. R.S.C. c. 35, s. 103.

This section omitted the word *scurrilous* which was however re-inserted in the section by the amendments of 1900 (63-64 Victoria, Chapter 46, section 3) which re-enacted section 180 as follows:

180. Every one is guilty of an indictable offence and liable to two years' imprisonment who posts for transmission or delivery by or through the post,—

- (a) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, matter or thing of an indecent, immoral, or *scurrilous* character; or
- (b) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or
- (c) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses.

While the debates in the House of Commons on the 1900 amendments are not normally available to a court in interpreting the section an interchange which took place in the House (Debates of the House of Commons 1900, vol. 2, page 4714) on the addition of the word *scurrilous* may be of interest:

The Solicitor General: In this case the word “*scurrilous*” is added.

Mr. Davin: I can see the advantage of the change but again, why make the addition.

The Solicitor General: This paragraph was originally taken from the Post Office Act and in the adaptation the word scurrilous was left out. It has been found in the application of the law that it was useful to have this word added. My honourable friend from Assiniboia has not been able to show that in the application of the law it was found necessary to make the amendment he suggested.

Mr. Quinn: This is to make it conform to the Post Office Act.

The Solicitor General: Yes, it was found that some language was used on postal cards which should not be permitted and yet which was not covered by the terms we had under the old section.

The amendment was first raised in the Senate in 1897 and was further considered in 1899. The Senate debate reported at pages 402 and 403 of the Senate Debates for June 20, 1899 indicates that the word scurrilous was intended to cover violent and abusive language and was not limited to immoral writings. The discussion is reported as follows:

Hon. Mr. Power: I think there was some discussion over that word "scurrilous" when a similar clause was before this House in 1897. I doubt the wisdom of adding this word "scurrilous" because scurrility is not immorality. I do not think it is a criminal thing. It may be vulgar and objectionable, but it is not criminal, and I doubt the wisdom of trying to make it a crime to publish in a newspaper an article that may be scurrilous in its character. If a person feels himself aggrieved by such an article, very much aggrieved, he can bring an action for libel.

Hon. Sir Mackenzie Bowell: And plead that it is true, if it is true.

Hon. Mr. Power: I do not think we should add this word, because, in the first place, it is not germane to the rest of the enactment. The clause which we have just passed deals altogether with immoral publications, and clause 180 does the same as it stands now. I do not think it is desirable to bring scurrility, which is a different thing, into this clause.

Hon. Sir Mackenzie Bowell: Is it not covered also by section 205 of the Criminal Code? It would enable a party against whom it is directed to take action for libel. The difficulty would be in the interpretation of the word "scurrilous". One man might call an article scurrilous, and another might not. He might say that it is true, and only portrays a man's character. I think the term is open to a good deal of misconception, and I agree with the hon. gentleman from Halifax that the bill would be just as well without it.

Hon. Mr. Mills: My impression is that scurrilous writing is not a thing that is desired.

Hon. Sir Mackenzie Bowell: I agree with the hon. gentleman.

Hon. Mr. Mills: In the Post Office Act the word is used, and when the language was transferred to the criminal law, this word was dropped out. Language cannot be scurrilous without being offensive and insolent. We do not permit in either House the use of scurrilous language, and it is a recognized rule, that that which might lead to a breach of the peace is not language lawful in itself, and the use of scurrilous language certainly would point in that direction. You may call a person very bad names without violating the law, if you do not use this word, and I do not know that there is any mistake in restraining a party from the use of violent and abusive language—telling a man through a newspaper, for instance, that he is an idiot.

Hon. Mr. Lougheed: It might be in the public interest.

Hon. Mr. Mills: I do not think it would be in the public interest. It could not be in the interests of the community that a person should be so written of.

Hon. Mr. Allan: This House has been described in the *Globe* as a set of tottering old idiots.

Hon. Sir Mackenzie Bowell: And a member of the Lower House has been called a slanderous liar. Is that scurrilous?

Hon. Mr. Mills: I should say it was, and it would be scurrilous to say that the members of this House looked like women, but their beards forbid, to use the words of Macbeth. I do not know that we promote the public well-being, and our legislation points in that direction, by simply allowing persons to use scurrilous language without any restraint and without any control by law. I am not wedded to the section, and if the House is of a different opinion, I am not going to complain, but I think there is more to be gained than lost by including it in the Criminal Code.

Hon. Mr. Power: If it is intended for the protection of this House we had better let it go.

Hon. Sir MACKENZIE BOWELL: Does it apply to cartoons?

Hon. Mr. MILLS: I do not know that they are to be regarded in that light.

Hon. Sir MACKENZIE BOWELL: In some of the United States, I think in California, they have made it a penal crime to publish a caricature. You are not going as far as that I hope?

Hon. Mr. MILLS: No.

The clause was adopted.

It was argued by Mr. Stanley that the word scurrilous was limited in its meaning to writings which are obscene and sexual in their connotation because section 153 occurs in Part IV of the Criminal Code under the general heading "Sexual Offences, Public Morals and Disorderly Conduct" and the subheading, immediately before section 150, "Offences Tending to Corrupt Morals". The rule of statutory interpretation is clear that such headings "cannot control the plain words of the statute but they may explain ambiguous words" (Maxwell On the Interpretation of Statutes, 11th edition, p. 49). This rule is expounded in a leading case as follows:

While the court is entitled to look at the heading in an Act of Parliament to resolve any doubt they may have as to ambiguous words, the law is quite clear that you cannot use such headings to give a different effect to clear words in the section, where there cannot be any doubt as to their ordinary meaning." (R. v. Surrey Assessment Committee (1948) 1 K.B. 29 at p. 32, per Lord Goddard C.J.).

We are of the opinion that the meaning of the word scurrilous, which we have discussed above, is clear and unambiguous and that it is not limited by the headings of Part IV of the Criminal Code. The extracts from the Debates of the House of Commons and the Senate at the time that the word was inserted also indicate that Parliament did not intend scurrilous to be limited to writings of an immoral or sexual character.

Counsel for the Board also drew our attention to the argument that the word scurrilous might be considered to be limited in its meaning by the *ejusdem generis* rule. (We do not consider that the collocation of the words "obscene, indecent, immoral or scurrilous" in section 153 constitute a genus or category which would give rise to the operation of the *ejusdem generis* rule (see Maxwell, 11th edition, pages 326-327). In our opinion, these words are disjunctive and indicative of different qualities.

In our opinion, the other words of the section, particularly "indecent" and "immoral" are not limited to sexual matters and have a broad meaning. In his evidence, Professor Johnston expressed the view that the word "indecent" was not so limited in its meaning and we have formed the same view of the word "immoral". Although your Interim Prohibitory Order was founded on the word "scurrilous" as it appears in the section, it appears to us that the type of journalism exemplified by "The Thunderbolt" may quite properly be described as indecent or immoral in the sense that it makes a general attack on a whole community of Her Majesty's subjects. There is a substantial element of public indecency or immorality in such a general attack which even Mr. Taylor admitted was ascribable to the wrong doing of a comparatively few members of that community. No effort seems to have been made by "The Thunderbolt" to discriminate between those who are guilty of wrongful acts and those who are innocent. In the case of the Negro community the opinions expressed by "The Thunderbolt" seem to be even more abusive and denigratory of coloured people as a whole than in the case of the Jewish community. We have no hesitancy in suggesting that the souvenir issue of "Der Stürmer" could also be described as obscene.

We have no difficulty therefore in concluding that the material circulated by the National States' Rights Party is, on its face, scurrilous, within the meaning of section 153. We now have to consider two general defences raised by Messrs. Stanley and Taylor. The first was that the writings were truthful and that there was a duty to warn the public of the danger in which it stood and to attract attention by the use of hard-hitting and flamboyant language and for that reason the writings could not be considered scurrilous. The second was that the prohibition of the circulation of this material constituted a violation of the right of free expression of opinion and, in particular, that section 153 of the Code was now limited by the operation of the Canadian Bill of Rights.

In support of the argument that the published material is truthful, Mr. Taylor made available written notes of argument the main portion of which is set out hereunder:

"1. That communism is Jewish—the vast majority of the leaders of the communist revolution and of all communist governments with the exception of Red China, since then, have been predominantly Jewish-staffed and completely Jewish controlled from behind-the-scenes. This is overwhelmingly documented by Marshalko in "The World Conquerors the Real War Criminals", one of these exhibits, and in "The Key to the Mystery, the Jewish Question as Explained by the Jews Themselves," another exhibit, and "The World Hoax" by Elmhurst, another exhibit, and "Behind Communism" by Brittain another exhibit, and by a host of incontrovertible books, documents, Secret Service Reports, and Jewish writings, available from right-wing sources and either filed here or publishing houses from which they can be obtained indicated.

2. That race mixing means the destruction of the leadership of all races, other than the Jewish, and is one of the great master weapons in the Jewish communist offensive against all peoples of the entire globe, including the Jewish people, by a small clique of powerful men of whom, as I recall, Henry Ford is said to have said, "If these 50 individuals were done away with, most of the problems of this planet would be solved."

4. That nearly every facet of modern life, in nearly every country of the world is secretly, and sometimes openly, Jew-controlled, newspapers, magazines, publishing houses, motion pictures, the entire tele-

vision industry, chain stores, large food processing companies, every important mineral in the world, is controlled at the refining level, that is there might be mining firms not so-controlled but when they refine the mineral, they are forced to deal with the cartel, and so on and so on into all phases of modern life.

5. The Jewish purpose is to destroy all non-Jewish leadership everywhere. In communist countries, all persons of a leadership type were and are simply killed. As Senator Goldwater pointed out in one of his books, a hundred million people have been liquidated. For those interested, in ascertaining the Russian figure of 70 million, for themselves, simply project the census date of Imperial Russia—1897 and Soviet statistics using a reasonably low birth rate; of 1.7—Canada's is possibly between 2.2 and 2.5, and more than the 70 million would soon be missing, making due allowances for war dead etc.

7. That the Master Plan, known as "The Protocols of the Learned Elders of Zion" an exhibit and the masterful and overwhelming proof known as "The Key to the Mystery—the Jewish Question", as explained by the Jews themselves, compiled in A.D. 1937 by La Ligue Feminine Anti-Communiste de Montréal under the direction of Adrien Arcand are actually mighty proofs that should be made known to every person on this planet before these Jewish leaders, who have succeeded now already in conquering half of the planet, have the opportunity to subjugate all religions, and governments, which is their master plan."

We have omitted certain paragraphs from his argument which set forth his personal views on economic questions which he indicated were not those of the National State's Rights Party.

These contentions and others which Mr. Taylor advanced are, in our view, not matters of fact but expressions of opinion. They certainly cannot be accepted as "truth" upon which we can found any conclusion. They are opinions, strongly held by Mr. Taylor and his friends, often in the face of the most obvious facts and the common understanding of mankind in the western world.

We do not propose to deal with all the arguments of Mr. Taylor, whether those set forth above or the many similar contentions to be found in the transcript. To treat many of his contentions seriously would be to give them an importance, which they do not, in our opinion, deserve.)

Almost all of his contentions are of dubious validity because they centre on the allegation of a world-wide Jewish conspiracy to dominate mankind. His arguments are based upon writings of a political and pseudo-scientific character which, so far as we are aware, have been disproved whenever they have been dispassionately examined. His opinions have not only been disavowed by the literate community of the western world but, in our opinion, properly condemned by all believers in truth and freedom. His anti-Semitic arguments are, in our view, merely the tragic reproduction of the lies of Hitlerism and the sordid expression of anti-Jewish prejudice which has disgraced our society for many centuries.

While we do not profess to discuss his arguments and evidence in detail, certain examples will suffice to illustrate that the whole of it is entitled to little credence as an exposition of "truth". His theories of racism are founded on the writings of Gobineau which are entirely discredited by the learned community of anthropologists and historians. His allegation of a sinister world-wide Jewish conspiracy is based, inter alia, on the so-called Protocols of the Learned Elders of Zion which time and again have been investigated by independent tribunals and found to be forgeries. The most recent of these in-

vestigations by a subcommittee of the United States Senate resulted in a report dated August 6, 1964, which not only condemns the Protocols as a forgery but also those who perversely persist, in the face of the facts, in continuing to circulate them. We deem this report of such importance that we attach as Appendix 3. Under cross-examination it was revealed that Mr. Taylor and those authorities from whom he had quoted (including Adrien Arcand) had consciously torn extracts from Jewish writings from their context in such a way as to completely misrepresent the teachings of Judaism. Indeed, it was admitted by Mr. Taylor that he had not attempted in any of the controversial matters of opinion he presented to us to put before us all sides of the argument or to take cognizance of any of the opinions expressed contrary to his own. He admitted that he had made no attempt to present a balanced expression of opinion or an objective determination of facts. Rather, he stated that he was compelled to make a hard-hitting expression of his own political opinion.

Some contentions of Mr. Taylor are plainly ludicrous; some are completely at variance with demonstrable facts, such as his contention that communism represents a Jewish conspiracy to dominate the world. This is a contention made in the face of the established anti-Semitic policy of the present leaders of the Communist Government of the U.S.S.R. Mr. Taylor's attempts to explain away this contradiction in his basic argument might, with kindness, be called fanciful although they could also be described as meretricious. They entirely fail to carry conviction. Other arguments appear to be pitiless and lacking in humanity, such as the contention that only a few Jews were executed by the Hitler regime and to describe the deliberate extermination of European Jews as unimportant. That these assertions should be made in the face of the facts disclosed by a free press to all mankind and verified by the findings of the Nuremburg and other international tribunals indicates that the expression of violent political opinion and not "truth" is the purpose of these publications. These and other similar arguments can only be described as the products of twisted and embittered minds and it is difficult to conclude these comments without commenting on the tragic waste involved in the perverted scholarship upon which they are based.

Thus, it will be obvious why we have little difficulty in rejecting the contention that the views expressed in "The Thunderbolt" are not scurrilous because they are the "truth". Indeed, in our opinion, their abusive quality is heightened by the knowledge that they are, in the face of obvious facts and repeated demonstrations of their falsity, represented as the "truth".

We have already dealt with the first part of Mr. Stanley's argument in which in effect he tried to equate the word scurrilous with the word obscene. As we have already stated, in our opinion the two words have a different connotation.

His principal argument was that the prohibition against the circulation of "The Thunderbolt" was a denial of the basic democratic right of free expression and was a violation of the Canadian Bill of Rights. He said, at page 608 of the transcript, in reference to section 153: "... this part of the Criminal Code was written and prepared not to attack and suppress political opinions which people might legitimately propound to their own conscience's satisfaction;"

He then argued that any effective criticism must be abusive as he said: "You cannot be polite when you are criticizing somebody or your criticism is nothing but praise. Anyone who criticizes another person is being abusive." This view we are unable to follow.

In the course of his argument he quoted extensively from a speech made by yourself in the House of Commons reported in *Hansard* for Friday, October 16th, 1964 at page 9158 and he finally placed his whole argument on

the basis of Section 2 of the Bill of Rights. He ended his argument by asking the question: "Can people who consider themselves to believe in democracy and in freedom of speech morally intimidate and deprive others of freedom of speech?"

Mr. J. B. Stoner who owing to other commitment was unable to appear in person submitted an argument in writing in which he inferred a protection from the Canadian Bill of Rights and dealt with the sanctity of free speech. It will be convenient to deal with the problems raised by the Bill of Rights after considering his arguments on the point as well as those of Mr. Stanley.

In that argument he points out that the National States' Rights Party has the full use of the mails in the United States, that it sends its publications, including "The Thunderbolt" to all nations throughout the free world, including the United Kingdom, Australia and many others without any governmental interference. Apart from the Communist nations, only Canada has banned "The Thunderbolt" and the other publications of the Party. The Party has never been banned in the United States. He submitted in his argument that the Party had always advocated friendship between the United States and Canada and, in accordance with the liberties stemming from Magna Charta, the Party like others should enjoy the freedom of the press and of the mails in Canada and every other free nation. He also submitted that Canada should do as much, or more, to uphold the freedom of the press and mail than the United States or any other free nation. He also made reference to a number of decisions of the American Courts to which we will refer later.

These arguments pose serious questions of political philosophy which are of concern to a democratic society. To what extent can the assertion of a private right be permitted to become a public wrong? To what extent can a democracy permit free expression of opinions whose whole aim and purpose is to destroy not only the freedom but the life and livelihood of a substantial portion of the community? It is against the background of these serious questions that we address ourselves to the matter within our own province, namely whether the basic constitutional law of Canada inhibits statutory prohibition against the circulation of scurrilous writings.

In approaching this problem and before undertaking the discussion of the jurisprudence it is proper to record that the right of free expression is not absolute in Canada or in any other democratic society. In the interests of fairness, decency and public order there are many well recognized restrictions upon the right of free expression. The civil law protects citizens against libel and slander. The criminal law prohibits the destruction of the fabric of our democratic society by the expression of treasonable and seditious views. These are but examples of the fact that ours is a freedom which exists under law. We now have to determine whether the provisions of section 153 of the Criminal Code, which are validly enacted by the Parliament of Canada under its clear jurisdiction over criminal law and are similar to the other prohibitions against the expression of opinion deemed detrimental by Parliament are limited by basic freedoms inherent in the Common Law and also by the Canadian Bill of Rights.

In Canada the effect of the Canadian Bill of Rights has been discussed by the Supreme Court of Canada in the case of *Robertson and Rosetanni v. The Queen*, reported in 1963 S.C.R. 651. The judgment of the majority of four of the five Judges who heard this appeal was delivered by Ritchie J. Beginning at page 653, Ritchie J. first dealt with the history of the matter which arose from a conviction by a Magistrate in the City of Hamilton, Ontario, upon the charge that the accused Robertson and Rosetanni had been unlawfully carrying on their ordinary calling, which was the operation of a bowling alley contrary to The Lord's Day Act, R.S.C. 1952, Ch. 171. It came before the Courts under a procedure by way of stated case pursuant to the Criminal Code.

The case was stated by the learned Magistrate who asked whether he was right in holding that the appellants had acted in contravention of The Lord's Day Act and in assuming that upon proper construction and application, The Lord's Day Act was not in conflict with the Canadian Bill of Rights, S.C. 1960, Ch. 44 and more particularly with Section 2 thereof. Both these questions were answered in the affirmative by the Judge of the High Court of Justice for Ontario who heard the stated case in the first instance and who held that the Magistrate was correct in his decision without giving formal reasons. This procedure was followed by the Court of Appeal of Ontario. The sole ground of appeal argued there was that upon proper construction and application, The Lord's Day Act, R.S.C. 1952, Ch. 171 is in conflict with the Canadian Bill of Rights, S.C. 60, Ch. 44 and more particularly with Section 2 thereof. Leave to appeal was sought from the Supreme Court of Canada and at page 654 Ritchie J. discussed the matter as follows:

This Court however granted the appellants leave to appeal "at large" and on their behalf argument was directed to the following issues:

- (a) That by the legislative imposition of Sunday observance as a religious value upon the whole Canadian Community, including those whose religious values and precepts permit them to engage in activities thus prohibited, the Lord's Day Act is in conflict with that human right and fundamental freedom set out in the Bill of Rights as "freedom of religion".
- (b) That the effect of Section 2 of the Bill of Rights is, subject to the single qualification set out in that section, to repeal any federal enactments which are in direct conflict with the enumerated "..... human rights and fundamental freedoms..." declared and enshrined in the Act.
- (c) That statute law necessary for the regulation of the mode and method in which premises on which bowling is carried on are to be enjoyed, including the conditions as to time and otherwise during which the game and recreation might properly be carried on, is properly the subject of Provincial legislation.

By Section 1 of the Canadian Bill of Rights it is "recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex the following human rights and fundamental freedoms, namely,

- (a) The right of the individual to life, liberty, security of the person and enjoyment of property; and the right not to be deprived thereof except by due process of law;
- (b) The right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press."

It is to be noted at the outset that the Canadian Bill of Rights is not concerned with "human rights and fundamental freedoms" in any abstract sense, but rather with such "rights and freedoms" as they existed in Canada immediately before the statute was enacted. (See also s. 5 (1)). It is therefore the "religious freedom" then existing in this country

that is safe-guarded by the provisions of s. 2 which read, in part, as follows:

Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the Canadian Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorise the abrogation, abridgement or infringement of any of the rights or freedoms herein recognized and declared. . .

It is accordingly of first importance to understand the concept of religious freedom which was recognized in this country before the enactment of the Canadian Bill of Rights and after enactment of the Lord's Day Act in its present form and in this regard the following observations of Taschereau J., as he then was, speaking for himself and Kerwin C. J. and Estey J., in *Chaput v. Romain* (1955) S.C.R. 839 at 840 appear to me to be significant:

All religions are on an equal footing, and Catholics as well as Protestants, Jews, and other adherents to various religious denominations, enjoy the most complete liberty of thought. The conscience of each is a personal matter and the concern of nobody else.

The position of "religious freedom" in the Canadian legal system was summarized by Rand J. in *Saumur v. The City of Quebec*, where he said:

From 1760, therefore, to the present moment religious freedom has, in our legal system, been recognized as a principle of fundamental character; and although we have nothing in the nature of an established church, that the untrammelled affirmations of "religious belief" and its propagation, personal or institutional, remain as of the greatest constitutional significance throughout the Dominion is unquestionable.

It is apparent from these judgments that "complete liberty of religious thought" and "the untrammelled affirmation of 'religious belief' and its propagation, personal or institutional" were recognized by this Court as existing in Canada before the Canadian Bill of Rights and notwithstanding the provisions of the Lord's Day Act.

It is to be remembered that the human rights and fundamental freedoms recognized by the Courts of Canada before the enactment of the Canadian Bill of Rights and guaranteed by that statute were the rights and freedoms of men living together in an organized society subject to a rational, developed and civilized system of law which imposed limitations on the absolute liberty of the individual. In referring to the "right of public discussion" in *Re Alberta Statutes*, Sir Lyman Duff acknowledged this aspect of the matter when he said:

The right of public discussion, is, of course, subject to legal restrictions; those based upon considerations of decency and public order and others conceived for the protection of various private and public interests with which, for example, the laws of defamation and sedition are concerned. In a word, freedom of discussion means, to quote the words of Lord Wright in *James v. Commonwealth*, 1936 A.C. 578 at 627, 'freedom governed by law'.

Although there are many differences between the constitution of this country and that of the United States of America I would adopt the following sentences from the dissenting judgment of Frankfurter J. in

Board of Education v. Barnette as directly applicable to the "freedom of religion" existing in this country both before and after the enactment of the Canadian Bill of Rights:

The constitutional protection of religious freedom terminated disabilities, it did not create new privileges. It gave religious equality, not civil immunity. Its essence is freedom from conformity to religious dogma, not freedom from conformity to law because of religious dogma.

It is not necessary to discuss in detail the further reasoning of Mr. Justice Ritchie beyond stating that Section 4 of the Lord's Day Act which was under consideration is as follows:

It shall not be lawful for any person on the Lord's Day, except as provided herein, in any provincial Act or law now or hereafter in force, to sell or offer for sale or purchase any goods, chattels, or other personal property, or any real estate, or to carry on or transact any business of his ordinary calling, or in connection with such calling, or for gain to do, or employ any other person to do, on that day, any work, business, or labour.

We will quote only two paragraphs further from this judgment. At page 657 Ritchie J. said this:

The immediate question raised in this appeal, however, is whether the prohibition against any person carrying on or transacting any business of his ordinary calling on Sunday as contained in the Lord's Day Act, *supra*, is such as to 'abrogate, abridge or infringe or to authorize the abrogation, abridgement or infringement of . . .' the right of the appellants to freedom of religion.

And his conclusion at page 658:

As has been indicated, legislation for the preservation of the sanctity of Sunday has existed in this country from the earliest times and has at least since 1903 been regarded as a part of the criminal law in its widest sense. Historically, such legislation has never been considered as an interference with the kind of 'freedom of religion' guaranteed by the Canadian Bill of Rights.

I do not consider that any of the judges in the courts below have so construed and applied the Lord's Day Act as to abrogate, abridge, or infringe or authorize the abrogation, abridgement or infringement of 'freedom of religion' as guaranteed by the Canadian Bill of Rights, nor do I think that the Lord's Day Act lends itself to such a construction.

It will appear, as the learned Judge pointed out, that what the Canadian Bill of Rights recognized is freedom of religion, freedom of speech, freedom of assembly and association as they existed in Canada immediately before this statute was enacted. In other words, the Canadian Bill of Rights is primarily a declaration of the existing state of the law at the time or immediately before the statute was enacted. What this was is perhaps best stated by Duff C. J., in the *Reference re the Alberta Statutes*, (1938) S.C.R. 100 at page 133, as follows:

The right of public discussion is, of course, subject to legal restrictions; those based upon considerations of decency and public order, and others conceived for the protection of various private and public interests with which, for example, the laws of defamation and sedition are concerned. In a word, freedom of discussion means, to quote the words of Lord Wright in *James v. Commonwealth*, 'freedom governed by law'.

Even within its legal limits, it is liable to abuse and grave abuse, and such abuse is constantly exemplified before our eyes; but it is axiomatic that the practice of this right of free public discussion of public affairs, notwithstanding its incidental mischiefs, is the breath of life for parliamentary institutions.

Liberty of expression was dealt with earlier in the case of *Saumer v. The City of Quebec and the Attorney General for Quebec* (1953) 2 S.C.R. 299. This case was heard by the full court of nine Judges and concerned a by-law of the City of Quebec which forbade the distribution in the streets of the City of any books, pamphlets, booklets, circulars, tracts whatsoever without the permission of the Chief of Police. Four of the nine Judges would have upheld the by-law and four held that the by-law was ultra vires of the City of Quebec to enact it, as being beyond the legislative power of the Province of Quebec from which the City of Quebec obtained the right to make any such regulations or by-laws. Kerwin J. as he then was, while he agreed with the result did not agree that freedom of religion and freedom of the press were not civil rights within the Province.

There are valuable expressions of opinion in the judgment. At page 329 Rand J. stated:

Strictly speaking, civil rights arise from positive law, but freedom of speech, religion and the inviolability of the person, are original freedoms which are at once the necessary attributes and modes of self-expression of human beings and the primary conditions of their community life within a legal order. It is in the circumscription of these liberties by the creation of civil rights in persons who may be injured by their exercise, and by the sanctions of public law, that the positive law operates. What we realize is the residue inside that periphery. Their significant relation to our law lies in this, that under its principles to which there are only minor exceptions, there is no prior or antecedent restraint placed upon them: the penalties, civil or criminal, attach to results which their exercise may bring about, and apply as consequential incidents. So we have the civil rights against defamation, assault, false imprisonment and the like, and the punishments of the criminal law; but the sanctions of the latter lie within the exclusive jurisdiction of the Dominion. Civil rights of the same nature arise also as protection against infringements of these freedoms.

Mr. Stoner also referred us to a number of American cases which we have read and considered. They of course are decided under the United States Constitution and particularly under Article 1 of the amendments which constitute what is known as the Bill of Rights. We do not propose to make any extensive comment on the differences between the Constitution of Canada and that of the United States. Our Constitution is largely unwritten and is founded on the principles of the common law which are subject within the jurisdiction of the Parliament of Canada to such laws as it enacts. This theory of the supremacy of Parliament acting within its jurisdiction is not recognized by the United States Constitution in relation to the power of Congress.

While the basic laws of the two countries are different it appears that in the United States as in Canada the right to freedom of expression is not absolute.

The effect of the decisions in each jurisdiction, in their expression, do not however appear to be too different.

The whole matter would appear to be most comprehensively discussed by Frankfurter J. in his judgment in the case of *Dennis v. The United States*, 341 U.S. 494. We do not propose to discuss the lengthy judgment in detail, but three

short quotations may suffice to set out his view of the law. It deals with the Statute known as the Smith Act, which made it a crime to knowingly or wilfully advocate the overthrow or destruction of the Government of the United States by force or violence, to organize or help to organize any group which does so, or to conspire to do so. At page 534 he says:

The ground of decision in each case was the same. The First Amendment "cannot have been, and obviously was not, intended to give immunity for every possible use of language. *Robertson v. Baldwin*, 165 U.S. 275, 281. *Frohwerk v. United States*, 249 U.S. 204, supra, at 206." The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree *Schenck v. United States*, 249 U.S. 47 supra at 52. When "the words used had as their natural tendency and reasonably probable effect to obstruct the recruiting service," and "the defendant had the specific intent to do so in his mind", conviction in wartime is not prohibited by the Constitution. *Debs v. United States*, 249 U.S. 211, supra, at 216.

Later on in his very elaborate consideration of the matter at page 542, after dealing with the fact that in his opinion there was ample justification for a legislative judgment, that the conspiracy then before the Court was a substantial threat to national order and security, he went on to make a summation of the case, quoting from Freund, "On Understanding the Supreme Court" as follows:

A survey of the relevant decisions indicates that the results which we have reached are on the whole those that would ensue from careful weighing of conflicting interests. The complex issues presented by regulation of speech in public places, by picketing, and by legislation prohibiting advocacy of crime have been resolved by scrutiny of many factors besides the imminence and gravity of the evil threatened. The matter has been well summarized by a reflective student of the Court's work. "The truth is that the clear-and-present-danger test is an over-simplified judgment unless it takes account also of a number of other factors: the relative seriousness of the danger in comparison with the value of the occasion for speech or political activity; the availability of more moderate controls than those which the state has imposed; and perhaps the specific intent with which the speech or activity is launched. No matter how rapidly we utter the phrase 'clear and present danger', or how closely we hyphenate the words, they are not a substitute for the weighing of values. They tend to convey a delusion of certitude when what is most certain is the complexity of the strands in the web of freedoms which the judge must disentangle".

And finally at page 544 he said:

Not every type of speech occupies the same position on the scale of values. There is no substantial public interest in permitting certain kinds of utterances: "the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace." *Chaplinsky v. New Hampshire*, 315 U.S. 568, 572. We have frequently indicated that the interest in protecting speech depends on the circumstances of the occasion. See cases collected in *Niemotko v. Maryland*, 340 U.S. at 275-283. It is pertinent to the decision before us to consider where on the scale of values we have in the past placed the type of speech now claiming constitutional immunity.

The defendants have been convicted of conspiring to organize a party of persons who advocate the overthrow of the Government by force and violence. The jury has found that the object of the conspiracy is advocacy as "a rule or principle of action", "by language reasonably and ordinary calculated to incite persons to such action", and with the intent to cause the overthrow "as speedily as circumstances would permit".

On any scale of values which we have hitherto recognized, speech of this sort ranks low.

It may be that it is somewhat more simple to determine the limits of free expression in Canada than in the United States but the basic principles underlying the law are not substantially different. The Canadian position remains as it was summed up by the late Chief Justice Duff, in Reference re Alberta Statutes (already cited). The rights of public discussion, and in that is included freedom of speech and freedom of the press, are subject to legal restrictions. He mentioned those based upon considerations of decency and public order and others which were conceived for the protection of various private and public interests. As examples, he cited the laws relating to libel, slander and sedition. Summing up, he said ours was a freedom governed by law.

Part of that law, in our opinion, is section 153 of the Code, which for the general preservation of decency forbids the use of the mails for circulating scurrilous material.

It is quite clear, in our opinion, following the judgment of Ritchie J. in the Supreme Court of Canada, which we have already discussed, that this situation has not been altered by the passage of the Bill of Rights in Canada.

In our opinion section 153 operates according to its terms and as we have concluded the material in "The Thunderbolt" and in much of the literature circulated by the National States' Rights Party is scurrilous, the prohibition of its circulation by your Interim Prohibitory Order should in our opinion be made permanent.

We realize in expressing this opinion we are merely stating our opinion as lawyers, and this opinion, of course, lacks the binding power of a judgment. It is a matter of regret and we say so quite respectfully, that some of the provincial Attorneys General have not seen fit to test section 153 in the Courts. Our respectful opinion is, from the consideration we have given to the published material which has been submitted to us, that a situation is disclosed that requires some restraint. In our opinion your order was a public necessity. If we are wrong in our conclusion as to the effect of section 153 then obviously some legislative consideration of the matter by Parliament may be advisable.

We would like to record our appreciation of the assistance and counsel that Mr. D. Gordon Blair who was appointed counsel to your committee has afforded us. He not only elucidated many of the intricate problems facing us but his advice has been at all times available to us. Mr. François Lemieux who assisted Mr. Blair has prepared the indices to the transcript and appendix nos. 1 and 2 and organized the exhibits in a most thorough going way and our thanks are also due to him.

All of which is respectfully submitted,

Ottawa, this 11th day of February 1965.

(Signed) Dalton C. Wells

(Signed) Rodrigue Bedard

(Signed) G. Douglas McIntyre

APPENDIX I

REPORT OF THE BOARD OF REVIEW

SUMMARY OF ISSUES OF THE THUNDERBOLT

Issue 49 February, 1963

This is the special "Communism is Jewish" issue referred to in the oral evidence of Mr. John Ross Taylor. The whole issue except for page 11, which deals with National States' Rights Party activities, explores the relationship between Communism and the Jewish people.

The Thunderbolt deals with the Russian and the American situation.

(1) *Russia*—The issue contains articles underlining the number of Jews involved in the Russian Revolution, the number of Jews in the top ranks of the Party leadership, the fact that all the Premiers in the Soviet Union were married to women of Jewish origin.

The Thunderbolt contains a number of articles purporting to show there is no anti-semitism in Russia, because new synagogues are being opened, the majority of Lenin Prizes were awarded to Jews and individuals of Jewish origin are in power throughout Eastern Europe. It quotes a Russian poet of Jewish origin as saying that there are no persecutions in Russia.

(2) *United States*—Articles stressing the composition of the American Communist Party and its Politburo as being Jewish dominated. Front page story indicating that the U.S. Communist Party met in Jewish religious centers. Other articles deal with the Jewish involvement in the spy rings of the forties and the findings of the California Un-American Activities Committee that Communism was Jewish.

The issue reprinted a chapter of Henry Ford's book *The International Jew*, dealing with the Russian revolution and its origin and leadership.

The one page of party activities reported the merger of the Conservative Party with the N.S.R.P.

Throughout the issue there are numerous pictures of the individuals referred to in the articles.

Issue 51 May, 1963

Presented the exclusive story of "J.F.K. accused of adultery." It spread the details over two pages. The rest of the issue was mainly devoted to the "Jewish Problem". All of page 4 was taken by interviews with Russian Jews. Conclusion: Everything fine in Russia for a Jew.

Page 5 revealed that Reds using Jewish cultural center as meeting place. The page contained a list of Rabbis demanding that the Un-American Activities Committee be abolished.

Page 9 contained a story on Julius Streicher, the editor of the magazine "Der Sturmer". According to it he was murdered by the Jews because he dared expose them. Page 9—"and above all these murdering Jews killed this man for using freedom of the press to expose the crimes of the Jews".

Page 10 outlines a disagreement between the N.S.R.P. and Goldwater and in particular an article describing him as a Jew. The article warned right wingers about so called "good" Jews. It reaffirms its point that there is not such a thing as a conservative Jew—"What we call 'Kosher Conservative'".

Reprinted a bulletin of the Anti-Defamation League on the role of the organization in peaceful integration.

Pages 6 and 7 reported on the N.S.R.P. Birmingham demonstration—the arrests by F.B.I., etc.

Page 3 carried an article saying that conservative Catholics were worried about recent church pronouncements on the Jewish question and on discrimination. It concluded: "The present Pope is very old, senile and ill. The best we can say for the man is that he does not know what he is doing."

The same page carried a picture of the "Black Christ" and an article quoting a Communist union leader supporting the new look in the Catholic Church.

Issue 53 August, 1963

Races are different, the white race is superior, the negroes inferior, forms the central theme of the issue. A subsidiary point shows that integration leads to social mixing and to race mixing with the inevitable result of mixed marriages and the downfall of the Western civilization. This issue is probably one of the worst in the group. The use of pictures is particularly noticeable.

The leading article is by J. B. Stoner quoting the Encyclopedia Britannica that races are different physically and mentally. The negro he says has a peculiar odour and the race is more closely related to the ape. "The tips of the Negro ear turn in like those of rabbits and horses."

The issue tries to give the race question a scientific treatment. It has a box comparing skull dimensions and brain weight between whites and negroes; a list of characteristics showing the similarity between apes and negroes; an article dealing with a blood disease peculiar to the negroes and demanding that blood should be labelled when transfusions are given; article by a professor stating that races are different and his conclusion that negroes are 200,000 years behind the whites.

The issue has two articles on the negro and the U.S. Army. The first one reviews the record of the negro in two world wars; it concludes that the negro was "worse than useless" under combat conditions and was cowardly when it came to fight.

The other article dealt with integration in the armed forces leading to the weakening of the morale of the troops.

Another article criticizes the "spiteful and degenerate Kennedy" for lowering the quotas on non-whites entering the country. This, The Thunderbolt characterizes as the "mongrel invasion" bringing to America from Puerto Rico "hundreds of thousands of these people (to go on relief)"; from Cuba "unemployed dregs of society and the criminal element".

The issue deals with integration and race-mixing—use of pictures of white girls with negro men is particularly effective. It had a question and answer article stating it was not Unchristian to be a segregationist, the fathers of the constitution were slave owners, races are different. It carried a news story of a rape case involving a negro and white girls.

The Jews are implicated in the issue because they are behind this race mixing. It is another Jewish plot. Proofs: head of NAACP is a Jew, rabbi supports Civil Rights Bill; Zionist organization comes out for racial equality. Conclusion: Jews trying to destroy both races.

Henry Ford's book is once again reproduced in a two-page spread. Two pages were devoted to NSRP activities describing the growth in membership and its part during counter demonstrations during the school integration crisis in the United States.

Some of the language used merits attention—describes negro as a "higher form of gorilla", (p3) and "God did not wish for the White Race to mix with these Animals", (p3) and (p5) describes negroes as "animalistic people" in connection with a murder of a man by his wife; (p11) America will become "coffee coloured" as a result of integration.

Issue 54 November, 1963

This issue concentrates on an allegation of personal misconduct by the late President Kennedy. It describes President Kennedy as "a debaucher" and a "very, very nasty monkey".

Two pages are devoted to NSRP activities: A demonstration in Birmingham, a petition to the Governor against integration and a report on Party intentions to nominate a candidate for the presidential election.

The issue returns to the "Jewish is Communist" theme. It carried articles demonstrating the Jewish people were well treated in Russia; the statement of a Russian Jew; the appointment of a Russian Jew; the appointment of a Polish Jew to a high office. The issue noted that the Communists published a Yiddish Canadian weekly.

It once again traced the relationship between Jews and Negroes by referring to a Jewish union leader's support for the Civil Rights Bill.

The issue mentioned a news story where a white girl was slain after cancelling an inter-racial marriage.

Another chapter of the "International Jew" was published.

Issue 55 January, 1964

Most of the issue No. 55 discusses the Jewish problem. Page 1 concentrates on revealing the Communist Jewish conspiracy which led to President Kennedy's assassination. The conspiracy is established in various articles by these facts: The Jews were dissatisfied with President Kennedy because of his support of Nasser; Jack Ruby was a Jew; the first person Oswald consulted after his arrest was a Jewish lawyer; the Fair Play for Cuba Committee was formed by a Jew; the TV station which gave Oswald air time was owned by a Jew; Oswald spent some time in Russia.

The issue carried a "Jew in the News" page. The page contained two articles reprinted from the *New York Times* which had reported a Soviet novelist as saying there was no anti-semitism in Russia. The page carried the selection of a Jew of the month, Sam Gold who had a record of 121 arrests. Other stories on the page include a rabbi urging racial equality for negroes and one reporting the welcome received in Russia by a visiting American rabbi. The page also carried another reprint of the *Times* article quoting a rabbi as being opposed to interfaith marriages because it would destroy Jewish life.

Other items in the issue were—Jews support Civil Rights march; President Johnson's daughter to marry Jew; Israel shipping drugs to U.S.; Lady Bird has Jewish blood—"have you noticed her nose"—p. 2; Jew opposes flying the Confederate flag; President Benjamin Franklin did not like Jews.

The Thunderbolt had four articles on the F.B.I. and its chief, J. Edgar Hoover.

The F.B.I. had deteriorated recently because they were enforcing the edicts of race mixers: F.B.I. mistreated NSRP men in Birmingham and lawsuit was launched against them. The Hoover speech in a synagogue denouncing the rightwinger demonstrated that he wanted to keep his job because his superior was Nicholas Katzenbach. "He was just another politician doing some boot-licking for the Jew" (p. 9).

A whole page devoted to the persecution by the Anti-Defamation League of a certain Yochey who had written a masterpiece on "cultural vitalism". A Jewish judge was involved in the case.

Another feature story is the wire tapping bill before Congress. The Thunderbolt labelled it as Kennedy scheme to catch the right wing and frame Jimmy Hoffa.

On the race question, the issue contained a lead article "Roosevelt Grandson marries Zulu" with appropriate pictures. Also contained story on Marlon Brando as a degenerate "race-mixer" involved in a paternity suit with a Philippine dancer.

The Thunderbolt also condemned the Hollywood actors who supported the Civil Rights march.

The issue also reprinted another chapter of "The International Jew."

Issue 56 February, 1964

A four page issue concentrating on describing the indictments against 8 persons who took part in a demonstration against integration. David Stanley was one of the persons indicted. He was accused of throwing a brick at a detective.

The paper had two stories on negroes: One, that Bobby Kennedy wants integration for white children but not for his own because he was sending them to a private school which was not integrated. The other story had a picture of Ken Jones, a negro who had been named editorial assistant on N.B.C. News.

A picture of an integrated school room with the caption: This is what we are against.

Issue 57 March, 1964

The issue revolves around the Civil Rights legislation presented to Congress by President Johnson. The Thunderbolt urges the defeat of the Civil Rights Bill because it would infringe on the fundamental liberties of the American people. It devoted two and one-half pages explaining the bill in detail, (pages 2 and 3). It mentioned the bill was introduced by a Jew.

The center pages were filled with NSRP news: Convention report on the selection of activities and report that indictments against NSRP leaders were discussed which was a miracle because of "the Jew run Justice Department" (p. 7). Two pages were again taken up by the reprinting of "The International Jew."

Pages 4 and 5 contain news stories about Jews. There is the selection of the Jew of the Month Milton Kohn who had been charged with aiding prostitution; a statement by George Washington saying that the Jews were the enemy; a news story noting that, after an anti-segregation demonstration, the negroes returned to a church, were joined by rabbis, who taught them Hebrew songs; a Jewish-run adoption agency advises on inter-racial adoption; Jews form Jack Ruby's defence committee; arrest of three ultra orthodox Jews who had painted swastikas on a Jewish church; Bobby Baker a Jew Who had his nose straightened".

On the negro question, the issue had an article on page 10 entitled "Negroes Taking Over TV". It pointed to the recent trend of TV shows to include a negro actor. The article asks "But do they play their true, bestial way of life—that of rapists, muggers, stabbers, robbers and murderers—No." They play hero parts. This is the product of Jewish control of TV networks.

On page 9 picture capped by "This leads to Mongrelization" showing mixed couples. Interracial dating will destroy the white race.

There were the usual articles describing F.B.I., an organization run by a Jew, and atrocities in the South. Page 11 contained a pro-segregation statement by a Catholic bishop in South Africa.

The issue contained three articles on the difficulty the NSRP was having with other right wing organisations; described feud with Robert Welch.

Page 5 said this "When Mr. Welch said we are degenerate, this is a low and vile mean word attempting the most vicious character assassination we have ever witnessed".

Finally, an article by NSRP denouncing para-military units advocating violence; NSRP stands by legal means.

N.B. Other issues of The Thunderbolt use the word degenerate to describe President Johnson and others.

Issue 58 April, 1964

This issue again mainly concentrates on Jews.

On page 2 is the selection of Dr. Goldman as Jew of the Month. He was charged with attempted rape.

On page 5 article and pictures stating NAACP is controlled by Jews. That page also contains an advertisement by the Citizen's Council of Greater New Orleans urging a boycott of Ford products because Ford Foundation infiltrated by Jews who are promoting race mixing.

On page 6 a demonstration that Russian Jews are prospering because Matzos are plentiful and Jewish calendars are about to be printed.

Page 7 has a feature story with pictures of Zionist atrocities in the Palestine War. It urges that they be prosecuted for war crimes.

Same page has articles showing that death of six million Jews is a hoax and that Jews in South Africa are causing trouble.

Page 12 with pictures head "Brooklyn Suffers Because of Jew Insanity", an article describing the burning of leavened bread in Passover ceremony.

On the Negro problem—on page 4, accompanied by pictures of white and negro actors—"Boycott Sponsors of Race-Mixing TV Show—Jew head on three TV Networks".

Page 9 with pictures "Race-mixing is a crime against nature", "Inter-racial play leads to inter-racial marriages".

Page 3 revealed how Oswald was a Communist agent.

Pages 8-9 reprinted "The International Jew".

Page 11 devoted to NSRP activities.

Assorted news: F.B.I. conspiracy in Florida; Jews urge revision of immigration laws.

Issue 60 July-August, 1964

This Thunderbolt is a 16-page issue featuring two exclusive stories: How L.B.J. stole his senate seat and how Bobby Kennedy framed Jimmy Hoffa.

Page 7 is the Jews in the News page. It contains stories of fifteen rabbis arrested trying to recite prayers beside a motel pool; an Israeli cultural delegation being well received in Russia; the teaching of Yiddish in Poland; negroes and Jews consulting on civil rights; a Jewish employer having labour troubles with union; NAACP thanking the Jews for their help.

Other articles on Jews were: Jews seek immigration bill change; Communist Jews involved in South African treason trials. The conclusion: Another instance of the Jewish-Communist conspiracy: "Be it the Harry Gold and Rosenberg spies in America to the Klaus Fukes in England, it is one and the same Jew."

The Thunderbolt's nomination for *Jew of the Month*, seven individuals charged in a fire insurance fraud.

On the Negro problem, The Thunderbolt had this to say: A report of a Dr. Field speech (information director of the NSRP) describing negroes as "animalistic, cannibalistic, inferior and immoral" (p5). F.B.I. invasion of Mississippi beginning the second reconstruction era—the Carpetbagger was Lyndon Johnson who "would mongrelize the blood of the white race in order to bag a few "nigger votes" (p11). Quote from an ancient Egyptian King as saying negroes had no courage and were contemptible. Article describing F.B.I. reports that negro organization linked with Chinese Communists were responsible for the Harlem Riots, with appropriate pictures "mixed school room leads to mixed families".

Other pages were filled with NSRP activities including report by Dr. Field's tour in New York confirming his observation that Communism is Jewish.

May-June 1964—Issue 59 of the Thunderbolt

This was the issue upon which the interim prohibitory order was based. The feature story on page 1 describes the resistance to the Civil Rights Bill. According to the story, shop and restaurant owners are defying the law which compels them to integrate. It says the Bill, promoted by Jews, is unconstitutional and, if implemented, would destroy the White Race. It described the Negro as "our enemy—the Negro animal, the jungle beast who is out attacking, robbing and beating our menfolk and raping our womenfolk". It urged the defeat of "the bloody politicians" who had voted for the Bill.

Pages 2 and 3 contain an article on the life of Governor George Wallace—his youth, his ideals, his stand on the Civil Rights issue.

The editorial on page 4 lists the names of the Senators who are described as "despicable traitors and black-hearted men" and urges their defeat at the elections. The letters to the editor include one from a married couple who refuse to watch television programmes which have a mixed cast and who believe that Ed Sullivan is a Negro.

A story on page 5 tells of the setting up of Jewish vigilante patrols in a New York Jewish-Negro area. The patrols were organized, the paper alleges, after a Negro raped a Rabbi's wife. The story thought it paradoxical that Negroes should attack Jews because the latter had been in a forefront of civil rights. It stated that perhaps the Negro has "a civil right to rape a Rabbi's wife".

Pages 6 and 7 and parts of pages 5 and 10 contain news items on the activities of the National States Rights' Party and its leaders. They include stories of a libel suit being launched by the editor of the *The Thunderbolt* because he had been called "a Communist agent provocateur" by a right wing paper; a picketing of a B'nai B'rith convention which had adopted a resolution against prayers in public schools; a boycott of a movie because it had a racially mixed cast.

The feature story on page 8 is of alleged police brutality and judicial corruption in New York. The paper alleges that a woman who was picketing the play "The Deputy" with a sign "75 Million Christians murdered under Jewish Communism" was brutally beaten by a Jewish police captain and was falsely arraigned before a Jewish judge. The story concluded: "How can Jews complain when people like the Germans rise up to rid their lands of Jewish criminals. May God soon bring the day when we can drive these bloody Jews out of America."

Brutality against anti-integration marches in Mississippi is also alleged on the same page.

The *Thunderbolt* on page 9 reveals what is alleged to be a handbook written by Martin Luther King and issued to civil rights workers. It sets out the tactics of the non-violent movement; the objectives of the demonstrations and the methods to be used. On the same page is a picture of President Johnson with one of his secretaries, who is of Negroid origin.

Page 10 contains a news report of two recent Presidential appointments: Myer Feldman, appointed General Counsel, and George Reedy, appointed as Press Secretary. Mr. Feldman is described as a force behind the Presidency, confirming *The Thunderbolt's* view that the forces of Zion operate at the top. Mr. Reedy is married to a Jewess and replaces Mr. Salinger, of Jewish origin.

Page 11 is titled *Jews in the News*. It contains the following material: an item from the *New York Times* reporting flourishing Jewish activities in

the Soviet Union; reports that a Jewish lawyer and a Jewish trade union advocated integration; a speech by a Jewish law professor who is alleged to have said that the only way certain whites in the South will change is by force; a report that a cleric blamed the Jews for the Crucifixion.

A chapter of "The International Jew" is reprinted on pages 12 and 13. The chapter is entitled: "How Jews in the United States conceal their strength". On page 13 under the heading "Working for Negroes Results in Pregnancy Suit" is a report of a paternity suit filed by the white secretary of a Negro musician.

Pages 14 and 15 concentrate on Canada. There is a reprinted two private members' bills introduced before Parliament by Messrs. Orlikow and Klein. These bills are a proposed amendment to the Post Office Act and an Act respecting Genocide. The Thunderbolt comments that these bills, introduced by Jews, would destroy free speech in Canada especially on the Jewish question. The Jewish people were characterized as "the vampire race".

The *Jew of the Month* is attorney Samuel Resnick charged with the theft of his client's money. It concluded: "Resnick was weeping as they took him away to prison—'another poor persecuted Jew'. Anyone want a Jewish lawyer? There are plenty of Resnicks to be found in the yellow pages of your phone book."

A capsule report of the "World's Racial War" included an item that a Paris court had rejected a defamation action against a newspaper launched by the President of South Kasai Province in the Congo. The paper accused him of eating six people including two ministers; an American soldier murdered by a Negro "which is only typical of the Negro race which has a long record of violent and uncivilized behaviour; the Algerians who are thinking of coming to Canada are Jews. This would intensify the Jewish domination of Canada.

Page 15 carried an article which asks whether President Johnson could have Jewish blood. His father's name was Samuel Ealy (Samuel Eli) and Mrs. Johnson's name is Rebekah. Of Mrs. Johnson The Thunderbolt says that she "has a most interesting nose and dark slanted eyes, familiar characteristics associated with Asiatic Jews who make up 80% of the American Jewry". "She is very sharp in business dealings."

Throughout the edition the Negro was described as: "unfit black animal"-p.1; "beast" and "nigger"-p.1; "jungle ape"-p.4; "animal"-p.5; "black savage"-p.5; "ape like nigger"-p.8; "depraved"-p.9.

The Jewish race is described as "the vampire Race"-p.14; "sadistic"-p.9. Issue 61 September, 1964

The issue presents another two-pronged attack on negroes and Jews.

The main story on pages 1 and 2 is one showing that "L.B.J. is loading his government with Negro appointments." Conclusion: Send the Negro back to Africa.

An article, with pictures, on page 2 described Lynda Bird Johnson having lunch with a Negro serviceman, chatted one-half hour with "the Black African". Editor's note with story: "this is a pure case of a degenerate upbringing by her parents. She has disgraced herself and the office of the President by her outrageous political behaviour" (p.2).

Other items included: A picture of a typical negro neighbourhood "filth, terror and disease"; an article illustrating the scientific differences between the races; picture of Elizabeth Taylor and Sammy Davis Jr. and story; on page 11, with pictures, "Will Asiatic Enter U.S." an article dealing with immigration bill.

On the Jewish question The Thunderbolt had this to say: All of page 4 filled with articles designed to prove Krushchev was converted to Judaism and confirming that the real rulers of Russia are Jews.

Most of page 5 contains an article proving Christ was not a Jew. This was needed because "lying Jewish propaganda and Jewish infiltration of practically all of the major religious denominations" made people believe He was.

All of page 7—"Jews in the News" reporting on the good times had by Jews in Russia.

Pages 12-13—"The International Jew" by Henry Ford.

Page 15 devoted to proving Jews run the entertainment business and therefore control the information media.

Page 16 classified ad section—"Diary of Ann Fink" a comic book satire on the death of six million Jews.

Pictures and story Jews finance race mixing Jew of NAACP.

Finally, four pages are devoted to NSRP activities; use of word "nigger"; Jews described as "leeches".

APPENDIX 2

REPORT OF THE BOARD OF REVIEW

SUMMARY OF EXHIBITS FILED BY REPRESENTATIVES
OF NATIONAL STATES' RIGHT PARTY

Exhibit No. 26

"The World Hoax" by Ernest Elmhurst—Published by O. Kendrick.

The book is simply a recantation of many of the arguments which were heard during the hearing. Communism is world Jewry in action. The New Deal was Yiddish. Christ hated the Jews. Communism is Jewish because of Marx, Lenin, Trotsky and others. The language throughout is mild and ordinary.

Exhibit No. 27

"Uncovering the Forces For War" by Conrad K. Grief—Published by Examiner Books.

A book again devoted to familiar arguments. World Jewry pushed the U.S. into war. They controlled the events between 1918-1939 and caused the Second World War. The language is commonplace.

Exhibit No. 28

"Get Acquainted With Your Government"—a pamphlet containing the U.S. Constitution and other information concerning the government.

Exhibit No. 29

"The Bible Speaks to America" by William Kullgren—Published by William Kullgren.

A study which in general tries to deal with political and social problems by quoting biblical references.

The inferiority of negroes, race-mixing, segregation, educational opportunities and other problems, are discussed by referring to appropriate passages.

The Jews are the Canaanites in the Bible. They control the finances of the world and use all sorts of tricks to get it. They are cursed by Our Lord.

Exhibit No. 30

(See Exhibit No. 45)

Exhibit No. 31

"Segregation or Death" by John Kasper (Presidential Candidate for the N.S.R.P. in 1964)—Published by The Thunderbolt.

It is by far the worst piece of writing among the exhibits examined. It is, as its title indicates, a pamphlet defending segregation. He lays out the usual arguments that Communism is Jewish, that human nature made it such and that racial origin cannot be overlooked. The language used bears noting.

p. 5 —"negro is a Jew stooge"

p. 7 —the white man cannot understand "the joy a negro experiences in jumping around a campfire all night making weird sounds he calls music"

p. 8 —the "9 swine on the U.S. Supreme Court"

p. 10—negro is described as a "V.D.—illegitimate rapist"

p. 10—"the nigger is only a tool of the 'hook-nosed' Jews"

p. 10—"he is just a gaberdine-clad 'Kike' with a pushcart out to cheat the eyeballs out of Christians"

the word "nigger" is used in various places.

Exhibit No. 32

"Jewish Ritual Murder" by Arnold S. Leese—Published by Thunderbolt

The booklet sets out to prove that today as well as in the past Jews have performed a ritual murder of young Christian boys on certain feast days Purim and Passover.

It consists of a long series of allegedly documented cases, from 1290 to the present day, as examples of this "ritual murder".

The author states there is to be found in the Jewish race a trait which excites him towards human sacrifice, cruelty and torture. The motive for the murder is the everlasting hatred Jews have towards Christianity.

The booklet also describes the attempts Jews have made in the past to suppress the facts surrounding the ritual murder: Bribes, fake evidence, murder, suppression of evidence, smears.

Leese on page 2 describes the characteristics of the Armenoid people to which the Jew belongs. "He excels in low cunning, as his expression often denotes. He is good at business because of his flair for detached meanness and his knowledge of the low aspects of human nature. He is not usually endowed with much courage, but is deliberately cruel which is only too often manifested in his nature. The spirit of revenge and the nursing of hatred against anyone who opposes him is very marked in people of the Armenoid type."

Exhibit No. 33

"Marxism and Judaism" by Salluste—Published by Examiner Books

The pamphlet is an historical and philosophical analysis of the connection between Marxism and Judaism. It traces the evolution of the modern Israelites towards a new Messianism based on the superiority of the Jewish race on the victory of the Jewish people. This new attitude is the bitter enemy of Christianity. It is profoundly racist. The author traces a path through such people as Mendelsohn, Heine and Marx. It is in the main an historical and philosophical work.

Exhibit No. 34

"The Protocols of the Learned Edlers of Zion"

This is the document upon which rests most of the conception that the Jewish people are behind a conspiracy, a world plot to take control of the earth. It is a document which describes the philosophy, the tactics and strength and weakness of the "goyim".

The introduction states that the Russian Revolution, the two world wars are all part of the plan for the enslavement of the peoples of the earth by 300 men who are directing the course of history. Its end result is the destruction of the Gentile.

Exhibit No. 35

"Segregation and Integration" by William M. Nevins—published by the Georgia Tribune Press

This book is a plea for a return to the separate but equal concept in the United States because integration leads to the amalgamation of races. One must preserve racial purity. Segregation is not unchristian because the Bible explicitly favours it. The Supreme Court of the United States, influenced

by the N.A.A.C.P. and Communists (witness the cases dealing with Communists) abused its power when it rendered its decision on integration of public schools because it invaded the field of education which belongs to the states. There is quite a portion of the book devoted to this idea.

Integration has proven to be a failure. The Congressional Investigation Committee came to this conclusion when it studied integration in the District of Columbia. The result has been increased crime, discipline, sex problem, disease of all types. Illegitimate births in schools have increased, so has V.D. and other problems.

The author shows his racism on a number of occasions.

P. 57—"How would you like your children to go to such a school and rub up in the classes and corridors with this stinking, lascivious bundle of humanity, a very Sodom of corruption."

P. 61—He lists the negroes as an "inferior" and "degenerate race". He considers that achieved success should be doubly honoured because of the "slough of racial depravity from which they ascended".

They have "beastly passions"—p. 67, and on same page states that there are hundreds of thousands of negroes all over the country whose consuming desire is to have sexual intercourse with white women, some of whom have said that they would be even willing to face the electric chair to satisfy this consuming desire. Throughout the book he always uses the example of "your daughter in a negro's arms" to make a point.

The book calls for an end of federal centralized power as used in Little Rock and a reaffirmation of States Rights. His remedies: education, citizens councils, a states rights party, impeachment of federal judges.

Exhibit No. 36 (See also Exhibit No. 53)

"The Federal Reserve Conspiracy" by Eustace Mullins—Published by Christian Education Association.

The Federal Reserve Conspiracy is the story behind the enactment of the Federal Reserve Act setting up a central bank in the United States. It then analyses the subsequent history of the system.

The author believes it was a small group of American bankers with international connections who were the people behind the scheme. They had supported Wilson for President and Wilson repaid them by giving them control of money and credit in the United States. The system created a central reserve bank but one under the control of private banking interests. These interests controlled the supply of money to their own advantage. They pursued illegal schemes, financed the war which they supported, caused the 1929 crash by allowing expansion, expanded and curtailed credit to their liking.

The author gives the names of the people behind the conspiracy; most of them are Jewish and include Max Warburg, Khun, Loeb and Co., Baruch, Lehman and Rothschild. However the author confines himself of naming them. He does not draw attention to racial origins.

Exhibit No. 37

"Reds Promote Racial War" by Kenneth Goff—Published by Kenneth Goff

The book establishes, to the satisfaction of the author, three things:

1. Integration inevitably leads to mongrelization—is part of the overall plan by the Communists to conquer the white race which has always opposed it. By the use of racial tension and integration, the Communists will succeed in destroying the fabric of American society. The proof is the N.A.A.C.P., a Communist front organization. The Jews lend support to this plan.

2. Integration is bad because it results in an increased crime rate in the cities where it takes place; negroes form the majority of criminals; school dropouts increase; property values fall "although big Cadillac in front of negro shacks" (p. 8). Integration in the army has had this result—100,000 negro babies born from white girls in Europe.

3. Segregation is good because the Bible says so. One chapter devoted to this. Lincoln confirmed the policy. Chapter devoted to statements made by Lincoln confirmed the policy. Chapter devoted to statements made by Lincoln that the government was made for white men, that negro was inferior to white.

Twenty pages are devoted to Father Devine, a negro "God" who has built around himself a cult. He has done more for desegregation than anyone else. He endorsed Communism. Goff shows his contempt for the negro race throughout the book.

Exhibit No. 38

"Know Your Enemy" by Robert A. Williams—Published by William Publications

This booklet is a demonstration that Communism is Jewish. The author's proposition is that Zionism and Communism are one and the same movement—devoted to world revolution. The method used to establish the link between Zionism and Communism is familiar. Jews control U. S. Communist party; the Bolshevick Revolution was inspired by Jews; its leaders were Jewish. The leaders in Russia today are Jewish where there exists no anti-semitism. The spy ring uncovered in the United States was Jewish. Therefore, according to Williams, the Communist Party is only a front for a deeper Jewish conspiracy. The Jews are the enemy.

Williams describes the secret government of the United States (1943). It consisted of Felix Frankfurter, Herbert Lehman and Henry Morgenthau. All three were Zionists and Marxists.

But he reveals that "this does not mean that all Jews in this and any other Western country are wilfully bent on destroying host countries (p. 35) (because of their Talmudic hatred of Christianity). It is that the Jewish people are used by their leaders.

The Anti-Defamation League plays a leading role in the movement, promotes race mixing by advocating open-door policy for Asiatic immigrants and promoting integration. The solution: Confine the Jews in the cities like New York. The Russians then would never dare bomb it because they would also kill their brothers. Also intern 100,000 revolutionaries for subsequent deportation (all members of Communist Party and Zionist Movement) to an island where they would be guarded like Napoleon was. Stop immigration. Also should inspire revolution in Russia, support Franco and Nationalist China.

Language is restrained for large part although he slips sometimes "gangster-type Jew."

Exhibits Nos. 39 and 40

"Cancer the Killer"

"Deadly Poisons in Your Foods and Liquids" by Dr. R. Swinburne Clymer—Published by the Humanitarian Society

The message in these two pamphlets is identical. According to Dr. Clymer scientific evidence establishes that many chemical additives used in foods and liquid preparation have properties which are cancer producing. He attacks the practices of colouring, packaging, processing foods with chemicals. He urges the tightening of the Food and Drug Administration Act because at present there is not enough prior testing of these products before placing them on the market.

Throughout unfolds a story of the types of pressures placed on the government by the manufacturers who are only interested in profits, suppressed reports, scientists fired from their jobs, lobbying of Congress.

The pamphlets do not mention any race as being the villains. If anything, he is complimentary to the Jews. On page 22 of "Deadly Poisons" he states: "It has been frequently stated that (a) (New York) the city is predominantly Jewish; (b) that the Jews are the most health food and drink conscious people in the world. Every possible effort has been made to obtain permission to force fluoridation upon the people of New York City, thus far without success.

Exhibit No. 41

"Diabolical Practices" by Dr. R. Swinburne Clymer—Published by the Humanitarian Society

This pamphlet is a condemnation of various methods of population control which the author considers as "diabolical"; Sterilization—legalized abortion; castration and artificial insemination also part of the plan. He analyses the progress these practices have made during the last twenty years in Japan, India, Tibet and their impact on the United States (sterilization in mental hospitals; abortions in hospitals). He condemns the "Genocide Pact" sponsored by the United Nations "an Asiatic creature for the destruction of America as a great nation and the white race as a whole" (p. 4).

He fears that a conspiracy is afoot to establish a government aristocracy with the rest of the world as slaves. He does not go beyond that in his indictment.

Exhibit No. 42

"The International Jew" by Henry Ford Sr.—Prepared by Gerald Smith.

The book reiterates the familiar arguments which have been discussed in the books and pamphlets already considered.

He makes the following points in his book; He traces the predominant position Jews hold in U.S. financial circles; he deplores the effect Jewish social ideas have had on labour unions, churches, etc. Collectivism and Communism stem from Jews.

He states that Jews are a nation within a nation; they do not want to mix with other peoples. This is the reason they are persecuted. The Jews have prosecuted the Christians by "secularizing" our public schools. Zionism is a racial movement not a religious one. The Protocols demonstrate that world conquest is a Jewish plot—a revolutionary scheme of things—advocating the undermining of all authority. Bolshevism and Capitalism are only fronts. Anti-semitism is a charge often used to cover Jewish facts. Jews control the most powerful U.S. political machine Tammany Hall. The Jews have captured the trade union movement. Jews control the theatre, cinema, music, gambling and vice and are at the bottom of the decadence of Western society.

The International Jew—The Rothschild Branch "the first dictator of America" is after world control by means of finance. "The genius of the Jew is to live off people" (p. 201)—a "parasite".

Exhibit No. 43

"The Jews and Their Lies" by Martin Luther

Purports to be the writings of Martin Luther on the Jewish question. His position is based on the Bible. He states that the Jews are a "miserable and wicked people" who have been banned from the Holy Land because they have been rejected by God.

They are a "bloodthirsty", "revengeful" lot brought up to hate our Lord. They adopt from the Talmud a double standard in their relations with men. One standard for their fellow Jews and another with the Gentiles. "They are the 'children of the devil'", a "hardened, condemned people" (p. 24).

Throughout there is the type of language which is set out above. Other examples are "bastard and false Jews", "bloodhounds" (p. 17). Describes Israel as a "whore" (p. 20).

They believe they are the chosen people. This explains their feeling of superiority towards the Gentiles. They are usurious and cheats.

His counsel to his readers: Avoid their synagogues and schools; refuse them ownership rights; take away the Talmud; prohibit rabbis to teach; enact usury laws; make them work for their money—otherwise banish them from the country.

Exhibit No. 44

"*Our Nordic Race*" by Richard Hoskins

A pamphlet dedicated to the proposition that racial purity is the source of greatness. The Nordic race is the fountain of progress and civilization. Zionist Jews want to control the world therefore promote race mixing. Warns of the yellow peril.

Exhibit No. 45

"*The Anti-Defamation League and Its Lies*" by Robert H. Williams—Published by Canadian Intelligence Service "*The Real Hate Mongers*" by J. K. Warner—Published by the Sons of Liberty

Both of these pamphlets deal with the same subject matter: The Anti-Defamation League. They are mainly descriptive studies of the League, its origins, programme, policies and activities.

Two of the main points are that through the control of the press, radio and T.V., the League is able to censor many things and suppress right-wing ideas. Through news control the League conducts smear campaigns against people it labels "Nazi" or "anti-semite".

According to the author, the League has a spy system affecting everyone it suspects of being against the Jews. Its policies have led to a lowering of racial pride, a strengthening of Communism and a development of race consciousness.

Williams' position on the Jews shifts somewhat in this book. He says much of the Jewish press is Marxist, the majority of young Jews are Communists. He admits that not all Jews are Communists. According to him Jews may be divided into Bolshevik Jews (radical, racial and Anti-Christian) and the Anti-Communist Jews who have rejected Talmudic teachings.

Exhibits Nos. 46 and 47

"*The Red Rabbi*" by David Stanley—Published by World Service

Analysis of the positions taken by Rabbi Feinberg on different political matters. His conclusion is that Rabbi Feinberg had a double standard. He advocates race mixing for others but not for his own. He advocates a ban on nuclear weapons but not for Israel.

Rabbi Feinberg attacks Christianity by advocating a ban on religion in public schools.

He loves Russia—always complimentary to it, has many friends who are Communists, supports Communist front organization.

This is not surprising because Communism is Jewish.

The language throughout is restrained and mild.

Exhibit No. 48

"The Key to the Mystery"—Published by Canadian Publications—Compiled by La Ligue Féminine Anti-Communiste de Montréal.

This tract is a compilation of various newspapers, periodical and book literature on the Jewish question. The material is mainly written by Jews themselves. The old and familiar themes are exploited. The Jewish plan for world domination. Communism is Jewish. The amoral attitude of Jews in business. The low moral standards of Jews when dealing with the Gentiles. The League of Nations; a Jewish project. The Jews in history have conducted more programs than the Russians have. International financial control by Jews. Freemasonry: an instrument of Judaization. Jews are a nation within a nation. Jews have a double standard because of the Talmud.

Exhibit No. 49

"Report of the Canadian Royal Commission on Espionage"

Exhibit No. 50

"Canadian Bill of Rights"

Exhibit No. 51

"Photostat of February 8, 1920. Illustrated Sunday Herald—Zionism and Bolshevism" by Winston Churchill

Here Churchill makes it clear that only a minority of Jews were Bolsheviks and in no way does he connect Zionism with Bolshevism or express anti-semitic opinion.

Exhibit No. 52

"The World Conquerors" by Louis Marschalko—Published by Joseph Saeli Publications

The fundamental thesis asserted by the book is that there exists a secret plan to conquer the world for the Jewish nation. In the execution of the plan, all means are justified—"all pillars of power", churches and creeds are used. The plan is just about to be realized. Bolshevism and Capitalism are not opposing movements but rather two different forms of expression of the same Jewish ambition.

The author develops the background of this iron will leading the Jewish nation to world power. Jewish aspirations are based on the Torah—they are the chosen people, the superior race. Christianity is anti-racist and therefore clashes with Jewish nationalism. This is why Jews hate Christians.

The history of the past three centuries was directed by Jewish manipulators. The French Revolution, Marx, World War I and II. The Protocols clearly demonstrate this.

The author devoted a large part of his book to National Socialism and the Hitler period in Germany. He declares that National Socialism which undertook "to fulfil those tasks that ought to have been performed by the churches" was undermined when the Jews declared war on it.

He traces the events leading to World War II. He says that the Jews were the real war criminals because they caused it. They distorted what Hitler was doing. They controlled F.D.R. and pushed the U.S. into the war. They were the real victors of the war. Jews' plans for Germany were terrible—starvation, sterilization, the infamous Morgenthau Plan. He accused the Jewish of causing ravages during the occupation 1943-46. They massacred many prisoners.

The Nuremburg Trial was faked and was held to satisfy Jewish revenge. Prisoners were tortured. He denies that six million Jews were massacred by

Hitler. The maximum was 500,000. The Jews capitalized (made money) exploiting the death of their brothers.

It is the Jews who have the "A" bomb. They gave it to Russia. The United Nations is Jewish controlled. Jews also handed China to the Communists.

The language throughout the book is restrained and moderate. It reads like a modern history book.

Exhibit No. 53

"Money Creators" is the same type of book as the Federal Reserve Conspiracy. It is however a more theoretical exposition of monetary theory than the other.

The author concludes that currency control is in the hands of International Interests who seek to control the world.

The Federal Reserve System is in hands of private interests. The author sets out the monetary history of the United States in the twenties and during the depression. It gives the history of the fight for a central bank in the U.S. from the days of Hamilton, Jackson and on.

The author mentions no names and does not draw attention to the racial origin of the people involved.

Exhibit No. 54

"None Dare Call it Treason" by John A. Stormen—Published by Liberty Bell Press

In a review of the reasons why the United States lost the Second War and why it is losing the Cold War. The solution to the set-backs are a rededication of the country to the conservative, free enterprise, individualistic society which is at the source of all progress in the United States.

Among the reasons the United States is losing the Cold War are—

1. Security measures have been inadequate. Communists have infiltrated the State Department. This is why China and Eastern Europe were lost. There is a general review of the McCarthy Era and approval of these congressional hearings.
2. Collectivism has invaded our churches and lowered the moral fibre of our youth. Dewey has revolutionized education. He destroyed the traditional concepts of morality. Books on American history were rewritten on his theories. These books depreciate competition, individualism, free enterprise. The press, radio and T.V. are dominated by left-wingers who censure news stories. The new psychology destroys initiative.
3. The organized labour movement is Communist and left-wing. The government is filled with Keynesian economists and people support the "internationalist" of the United Nations. The language in the book is perfectly acceptable and does not differ from the ordinary.

Appendix 3 to the Report of the Board of Review*

COMMITTEE PRINT

88th Congress, 2nd Session

PROTOCOLS OF THE ELDERS OF ZION

A Fabricated "Historic" Document

A Report Prepared by the

SUBCOMMITTEE TO INVESTIGATE THE
ADMINISTRATION OF THE INTERNAL SECURITY
ACT AND OTHER INTERNAL SECURITY LAWS

to the

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1964

*(Reprinted by Courtesy of the U.S. Government Printing Office.)

COMMITTEE ON THE JUDICIARY

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SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS

James O. Eastland, *Mississippi, Chairman*Thomas J. Dodd, *Connecticut, Vice Chairman*

Olin D. Johnston, <i>South Carolina</i>	Everett McKinley Dirksen, <i>Illinois</i>
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Roman L. Hruska, <i>Nebraska</i>	

J. G. SOURWINE, *Counsel*BENJAMIN MANDEL, *Director of Research*

RESOLUTION

Resolved, That the attached document entitled "Protocols of the Elders of Zion—A Fabricated 'Historic' Document," be approved as a report of the Internal Security Subcommittee to the Senate Committee on the Judiciary and that it be printed.

James O. Eastland,
*Chairman.*Thomas J. Dodd,
Vice Chairman.

Olin D. Johnston,
John L. McClellan,
Sam J. Ervin,
Roman L. Hruska,
Everett McKinley Dirksen,
Kenneth B. Keating,
Hugh Scott,

Approved August 6, 1964.

INTRODUCTION

Every age and country has had its share of fabricated "historic" documents which have been foisted on an unsuspecting public for some malign purpose. In the United States such forgeries crop up periodically in the underworld of subpolitics. One of the most notorious and most durable of these is the "Protocols of the Elders of Zion."

According to the "Protocol", international communism is simply a manifestation of a world Jewish conspiracy which seeks to subjugate all the non-Jewish peoples of the world. The real enemy, therefore, according to the "Protocols," is not international communism but "international Jewry."

The "Protocols" are one of a number of fraudulent documents that peddle the myth of an "international Jewish conspiracy." In recent years, for example, documents that bear a remarkable resemblance to the "Protocols" have been printed in the Soviet Union as part of the unrelenting campaign against the Jewish minority in the Soviet Union. The one difference is that the documents circulated in the Soviet Union tend to equate "international Jewry" with "international capitalism."

Although the "Protocols" have been repeatedly and authoritatively exposed as a vicious hoax, they continue to be circulated by the unscrupulous and accepted by the unthinking. The Subcommittee on Internal Security not only receives inquiries from time to time about the "Protocols" from sincere but misguided people, but on occasion is even exhorted to advert to this "document" as a source of information concerning Communist machinations.

It is impossible not to be concerned over the cynical way in which some groups in the name of anticommunism continue to use the "Protocols" to promote prejudice and hostility among Americans, and thus to weaken this country's efforts in the real fight against communism. The undersigned Senators have, therefore, recommended the publication of the following analysis by the subcommittee in order to lay to rest any honest question concerning the nature, origin, and significance of this ancient canard.

Essentially, this study is a compendium of a number of separate analyses by authorities in several countries who have had occasion to investigate the origins and circulation of the "Protocols." Among the authorities quoted in this study are Father Pierre Charles, S.J., professor of theology at the Jesuit College in Louvain, France; Mr. Richard Helms, Assistant Director of the U.S. Central Intelligence Agency; Prof. John P. Curtiss, of Columbia University; and Dr. Hugo Valentin, of the University of Upsala, Sweden.

THOMAS J. DODD.

KENNETH B. KEATING.

A REPORT ON A FORGERY: THE PROTOCOLS OF THE LEARNED ELDERS OF ZION

The so-called "Protocols of the Learned Elders of Zion" are offered for sale under various names: "The Protocols of the Elders of Zion," "The Protocols of the Learned Elders of Zion," "The Protocols of the Wise Men of Zion," and "The Protocols of the Meetings of the Zionist Men of Wisdom." Cheaply printed in pamphlet form, they are sold at prices ranging from 50 cents to \$1 by a number of organizations in the United States and by many more around the world.

What do the "Protocols" really say? Because of the rambling, incoherent and turgid style of the "Protocols," it is difficult to make any sense of them. For example, "Protocol 24" reads in part:

1. I pass now to the method of confirming the dynastic roots of King David to the last strata of the earth.

2. This confirmation will first and foremost be included in that in which to this day has rested the force of conservatism by our learned elders of the conduct of the affairs of the world, in the directing of the education of thought of all humanity.

3. Certain members of the seed of David will prepare the kings and their heirs, selecting not by right of heritage but by eminent capacities, inducting them into the most secret mysteries of the political, into schemes of government, but providing always that none may come to the knowledge of the secrets. The object of this mode of action is that all may know that government cannot be entrusted to those who have not been inducted into the secret places of its art. * * *

A summary description of the "program" of the "Protocols" is ventured by the Encyclopedia Britannica (1950 edition), volume 2, page 78A:

* * * The "Protocols" are supposed to be a report of a series of 24 in other versions, 27) meetings held in Basle in 1897, at the time of the First Zionist Congress. There plans were said to have been worked out whereby Jews, together with Freemasons, were to disrupt the entire Christian civilization, and on the ruins of Christendom erect a world state ruled over by Jews and Freemasons. Various devices are described which the Jews planned to use; among these the use of liquor to befuddle the leaders of European opinion, the corruption of European womanhood, the stirring up of economic distress, and plans to blow up the various capitals of Europe. * * *

Father Pierre Charles, S.J., a professor of theology at the Jesuit College in Louvain, France, in 1938, published a study of the "Protocols," which was later translated into English and reprinted in *The Bridge*, volume 1, page 159 (1955), by Seton Hall University Institute of Judaeo-Christian Studies. He said:

The more one examines the "Protocols," the more they show themselves to be absurd, contradictory, childish. * * *

* * * I defy anyone to draw from these pages, which claim to be a program, the merest shadow of a sketch of a program (p. 173).

The continued circulation of the "Protocols" cannot be explained on the basis of their contents, which are obviously gibberish, but rather on the techniques employed by the peddlers of the "Protocols." They use the Hitler technique of the "big lie." They play upon the well-founded concern of the American people over Communist advances to exploit groundless prejudices.

They offer a key—their key—to understand the hodgepodge that is the “Protocols.” What their fabricators of the “Protocols” didn’t say, the modern-day peddler does—in sensational style.

One recent edition of the “Protocols” exhorts its readers to “be sure” to read the appendix which speaks of the “deadly parallel * * * of the protocol plans, with their actual fulfillments * * * under the Roosevelt Jewish-Radical regime,” and “deadly ‘parallel’ No. 2 exposing the Jewish capitalistic cause of Jewish revolutionary communism. * * *”

The “Protocols” are also advertised for sale in a circular entitled “The Coming Red Dictatorship,” which is replete with references to the “Protocols” and contains the statement that “the Jews are carrying the plot out to the letter.”

These claims continue to be made by the peddlers of the “Protocols” in spite of their manifest deceitfulness and in face of many authoritative refutations. For example, the distinguished Director of the Federal Bureau of Investigation, J. Edgar Hoover, writes in his “Masters of Deceit” (p. 237):

The Communist propaganda machine, with its tactics of infiltration and division has long fostered the false claim of widespread influence in the Jewish communities of America. One of the most malicious myths that has developed in the United States is that persons of the Jewish faith and Communists have something in common. The people who gave the world the concept of our monotheistic God and the Ten Commandments cannot remain Jews and follow the atheism of Karl Marx and the deceit of the Communist movement.

In testimony before this subcommittee on June 2, 1961, on “Communist Forgeries,” Richard Helms, Assistant Director of the U.S. Central Intelligence Agency, speaking on the “Protocols,” declared (p. 5):

The Russians have a long tradition in the art of forgery. More than 60 years ago the Czarist intelligence service concocted and peddled a confection called the “Protocols of the Elders of Zion.” As late as 1958, this item was still being pushed by psychological warfare organizations specializing in anti-Semitism. In the 1930’s and 1940’s Hitler’s propagandists “borrowed” it and added it to some counterfeiting of their own. Long before 1957 the Communists were as skilful as the Nazis in the production and exploitation of forgeries.

The CIA judgment has been the universal appraisal of the “Protocols” ever since their spurious character was first disclosed by a London *Times* correspondent in a series of articles in August 1921.

Father Charles, in his exposé, concluded:

It has been proved that these “Protocols” are a fraud, a clumsy plagiarism * * * made for the purpose of rendering the Jews odious, and exciting against them the blind and heedless passions of the crowd (p. 187).

In 1948 John S. Curtiss, professor of history at Columbia University, published a most thorough and authoritative analysis of the “Protocols” under the title “An Appraisal of the Protocols of Zion.” His study, sponsored and endorsed by a committee of leading American historians, concluded that the “Protocols” have no claim to authenticity. Professor Curtiss’ findings were abstracted in 1948 by the Library of Congress and the subcommittee feels it would be useful to reprint those findings in this report:

1. The “Protocols” are an anonymous document. No evidence has ever been presented that the “Protocols” were the product of Jewish leaders.

2. It was alleged by their publisher, Nilus, that the documents were stolen by a woman and were given to Russians, who first published them. No one has ever personally identified the woman.

3. The Russians, who first published the "Protocols," admitted that they did not see the original manuscript, but came into possession only of copies of the original.

4. The first publisher in book form, Nilus, a Russian, admitted that he could not prove the authenticity of the document.

5. Internal evidence discloses that references and language used in the "Protocols," supposed to have been done in 1897, are inconsistent with that date.

6. Those who uphold the "Protocols" as authentic contend that they were designed by very able but scheming Jews who, on the other hand, were extremely stupid in reducing their design to writing. This does not make sense.

7. It was clearly demonstrated by a British journalist (non-Jewish) that large portions of the "Protocols" were plagiarized from a book written to discredit the government of Napoleon III. Moreover, the French volume, it has been shown, was once the property of the Russian political police; and there is other evidence to indicate that the "Protocols" originated with and were used by the Russian political police.

8. Christian theologians have branded the "Protocols" as forgeries.

9. At a recent trial in Bern, Switzerland, the court declared the "Protocols" to be forgeries.

In his *Anti-Semitism, Historically and Critically Examined* (1936) Hugo Valentin, lecturer in history at the University of Upsala in Sweden characterizes the "Protocols" as "The Greatest Forgery of the Century" (p. 165) and adds:

One need not be a specialist in historical research or have any extensive knowledge of matters Jewish to see through the fraudulent nature of the "Protocols" after a cursory glance * * * (p. 173).

In his foreword to the Valentin work, Herbert L. Willett, professor emeritus in the Department of Semitic Languages and Literature, University of Chicago, calls the "Protocols" "one of the stupidest forgeries of all literary history".

More recently, in an article entitled "The Subliterature of Hate in America," *Southwest Review* (vol. XXXVII, No. 3, summer 1952), published by Southern Methodist University Press, the author, Margaret L. Hartley, writes as follows of the "Protocols" and another well-known forgery the so-called "Benjamin Franklin Prophecy" (p. 188):

Two "authorities" often cited (by anti-Semitic writers) the "Protocols of the Learned Elders of Zion" and the "Benjamin Franklin Prophecy," hold their place in the subliterate in spite of the fact that again and again they have been proved bogus. These false authorities might be called the classics of anti-Semitism. References to the "Protocols" may be found in almost any item of hate literature examined* * *.

It is impossible for a fairminded person of any commonsense not to see that the "Protocols" are the fictional product of a warped mind and that for years they have been and still are the chief staple of the anti-Jewish pamphleteer.

In the subcommittee's judgment, those who would mislead the American people by continuing to peddle this crude and vicious nonsense impede and prejudice the Nation's fight against the Communist menace. The subcommittee believes that the peddlers of the "Protocols" are peddlers of un-American prejudice who spread hate and dissension among the American people. Falsely using the guise of fighting communism, they, like the Communists who set class against class, would set religion against religion. Both would subvert the American system.

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HOUSE OF COMMONS

Second Session—Twenty-Sixth Parliament

1964-1965

STANDING COMMITTEE

ON

EXTERNAL AFFAIRS

Chairman: JOHN R. MATHESON, Esq.

PROCEEDINGS

No. 39

WEDNESDAY, MARCH 24, 1965

RESPECTING

The subject-matter of Bill C-21, An Act respecting Genocide, and
Bill C-43, An Act to amend the Post Office Act (Hate Literature)

INCLUDING FOURTH REPORT TO THE HOUSE

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1965

STANDING COMMITTEE ON EXTERNAL AFFAIRS

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Vice-Chairman: Mr. W. B. Nesbitt

and Messrs.

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Deachman,	Klein,	Regan,
Dinsdale,	Konantz (Mrs.),	Richard,
Dubé,	Lachance,	Walker—35.
Enns,	Langlois,	

(Quorum 10)

Dorothy F. Ballentine,
Clerk of the Committee.

REPORT TO THE HOUSE

MARCH 24, 1965.

The Standing Committee on External Affairs has the honour to present its

FOURTH REPORT

In accordance with its order of reference of October 23, 1964, your Committee has considered the subject matter of Bill C-21, an Act respecting Genocide, and Bill C-43, An Act to amend the Post Office Act (Hate Literature), and submits the following as an interim report:

Your Committee held six meetings on the subject matter of these Bills and heard the following witnesses: Leonard W. Brockington, Q.C.; Charles E. Hendry, Director, Graduate School of Social Work, University of Toronto; Dr. Daniel G. Hill, Director, Ontario Human Rights Commission; Dr. Karl Stern; and two officials of the Department of External Affairs.

In the course of its deliberations your Committee has learned that

- (a) In accordance with their obligations under the United Nations Convention on Genocide, 66 nations have adopted legislation making genocide a criminal offence, and
- (b) Approximately 22 nations have adopted legislation relating to group libel or incitement to racial hatred.

Your Committee recommends that it be given an opportunity for further consideration of the advisability of Canada adopting similar legislation, and therefore, as the Committee finds that it will not be able to complete its study of the subject matter of these Bills at the current session of this Parliament, it recommends that the same subjects be referred to it early in the next session in order that the Committee may continue its study of this very important matter.

A copy of the relevant Minutes of Proceedings and Evidence (*Issues Nos. 34 to 39 inclusive*) is appended.

Respectfully submitted,

JOHN R. MATHESON,
Chairman.

MINUTES OF PROCEEDINGS

WEDNESDAY, March 24, 1965

(66)

The Standing Committee on External Affairs met *in camera* at 9:35 a.m. this day, the Chairman, Mr. Matheson, presiding.

Members present: Mrs. Konantz and Messrs. Brewin, Brown, Cantelon, Cameron (*Nanaimo-Cowichan-The Islands*), Choquette, Deachman, Dinsdale, Dubé, Enns, Fairweather, Fleming (*Okanagan-Revelstoke*), Forest, Klein, Leboe, Matheson, More, Patterson, Regan, Walker—(20).

The Chairman presented for consideration of the Committee a draft report to the House, prepared by the Sub-Committee on Agenda and Procedure, as follows:

"In accordance with its order of reference of October 23, 1964, your Committee has considered the subject matter of Bill C-21, An Act respecting Genocide, and Bill C-43, An Act to amend the Post Office Act (Hate Literature), and submits the following as an interim report:

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Mr. Leboe, seconded by Mr. Regan, moved the adoption of the report.

After discussion, Mr. Brewin suggested that the first two lines of the penultimate paragraph be amended to read as follows:

"Your Committee recommends that it be given an opportunity for further consideration of the advisability of Canada adopting similar legislation, and therefore—"

After further discussion, the mover and seconder of the motion agreed to accept the suggested amendment of Mr. Brewin.

The question having been put, the report was approved, as amended.

The Chairman was instructed to present the report to the House.

On motion of Mr. Fairweather, seconded by Mr. Deachman,

Resolved,—That an additional 1,000 copies in English and 300 copies in French of the Committee's Minutes of Proceedings and Evidence, Issues No. 34 to No. 38 inclusive, be printed for the use of the Committee.

Dorothy F. Ballantine,
Clerk of the Committee.

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